

HOUSE BILL No. 2938

By Representative Weber

2-14

10 AN ACT concerning motor vehicles; relating to driving while revoked;
11 **[relating to the automobile injury reparations act;]** amending
12 K.S.A. 8-262 ~~and~~,] 8-287 **[and 40-3104]** and K.S.A. 2005 Supp. 21-
13 4704 and repealing the existing sections.
14

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

16 Section 1. K.S.A. 8-262 is hereby amended to read as follows: 8-262.

17 (a) (1) Any person who drives a motor vehicle on any highway of this state
18 at a time when such person's privilege so to do is canceled, suspended or
19 revoked or while such person's privilege to obtain a driver's license is
20 suspended or revoked pursuant to K.S.A. 8-252a, and amendments
21 thereto, shall be guilty of a: (A) Class B nonperson misdemeanor on the
22 first conviction; ~~and~~ (B) class A nonperson misdemeanor on the second
23 conviction ~~or~~; and (C) nonperson felony on the third or subsequent
24 conviction.

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

28 (3) Except as otherwise provided by subsection (a)(4) or (c), every
29 person convicted under this section shall be sentenced to at least five
30 days' imprisonment and fined at least \$100 and upon a second ~~or sub-~~
31 ~~sequent~~ conviction shall not be eligible for parole until completion of five
32 days' imprisonment.

33 (4) *Except as otherwise provided by subsection (c)*, if a person: (A) Is
34 convicted of a violation of this section, committed while the person's
35 privilege to drive or privilege to obtain a driver's license was suspended
36 or revoked for a violation of K.S.A. 8-1567, and amendments thereto, or
37 any ordinance of any city or resolution of any county or a law of another
38 state, which ordinance or law prohibits the acts prohibited by that statute;
39 and (B) is or has been also convicted of a violation of K.S.A. 8-1567, and
40 amendments thereto, or of a municipal ordinance or law of another state,
41 which ordinance or law prohibits the acts prohibited by that statute, com-
42 mitted while the person's privilege to drive or privilege to obtain a driver's
43 license was so suspended or revoked, the person shall not be eligible for

1 suspension of sentence, probation or parole until the person has served
2 at least 90 days' imprisonment, and any fine imposed on such person shall
3 be in addition to such a term of imprisonment.

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

10 (c) *The person found guilty of a nonperson felony on a third or sub-*
11 *sequent conviction of this section shall be sentenced to not less than 90*
12 *days nor more than one year's imprisonment and fined not less than*
13 *\$1,500 nor more than \$2,500. The person convicted shall not be eligible*
14 *for release on probation, suspension or reduction of sentence or parole*
15 *until the person has served at least 90 days' imprisonment. The 90 days'*
16 *imprisonment mandated by this subsection may be served in a work re-*
17 *lease program only after such person has served 48 consecutive hours'*
18 *imprisonment, provided such work release program requires such person*
19 *to return to confinement at the end of each day in the work release pro-*
20 *gram. The court may place the person convicted under a house arrest*
21 *program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve*
22 *the remainder of the minimum sentence only after such person has served*
23 *48 consecutive hours' imprisonment.*

24 ~~(d)~~ (d) For the purposes of determining whether a conviction is a
25 first, second, *third* or subsequent conviction in sentencing under this
26 section, "conviction" includes a conviction of a violation of any ordinance
27 of any city or resolution of any county or a law of another state which is
28 in substantial conformity with this section.

29 Sec. 2. K.S.A. 8-287 is hereby amended to read as follows: 8-287.
30 Operation of a motor vehicle in this state while one's driving privileges
31 are revoked pursuant to K.S.A. 8-286 and amendments thereto is a class
32 A nonperson misdemeanor: *on a first or second conviction and a non-*
33 *person felony upon a third or subsequent conviction. The person found*
34 *guilty of a nonperson felony on a third or subsequent conviction of this*
35 *section shall be sentenced to not less than 90 days nor more than one*
36 *year's imprisonment and fined not less than \$1,500 nor more than \$2,500.*
37 *The person convicted shall not be eligible for release on probation, sus-*
38 *pension or reduction of sentence or parole until the person has served at*
39 *least 90 days' imprisonment. The 90 days' imprisonment mandated by*
40 *this subsection may be served in a work release program only after such*
41 *person has served 48 consecutive hours' imprisonment, provided such*
42 *work release program requires such person to return to confinement at*
43 *the end of each day in the work release program. The court may place*

1 *the person convicted under a house arrest program pursuant to K.S.A.*
2 *21-4603b, and amendments thereto, to serve the remainder of the mini-*
3 *imum sentence only after such person has served 48 consecutive hours'*
4 *imprisonment.*

5 Sec. 3. K.S.A. 2005 Supp. 21-4704 is hereby amended to read as
6 follows: 21-4704. (a) For purposes of sentencing, the following sentencing
7 guidelines grid for nondrug crimes shall be applied in felony cases for
8 crimes committed on or after July 1, 1993:

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SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 492	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 166	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	35 33 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Board Box
Presumptive Imprisonment

- 1 (b) The provisions of this section shall be applicable to the sentencing
2 guidelines grid for nondrug crimes. Sentences expressed in such grid
3 represent months of imprisonment.
- 4 (c) The sentencing guidelines grid is a two-dimensional crime severity
5 and criminal history classification tool. The grid's vertical axis is the crime
6 severity scale which classifies current crimes of conviction. The grid's
7 horizontal axis is the criminal history scale which classifies criminal
8 histories.
- 9 (d) The sentencing guidelines grid for nondrug crimes as provided in
10 this section defines presumptive punishments for felony convictions, sub-
11 ject to judicial discretion to deviate for substantial and compelling reasons
12 and impose a different sentence in recognition of aggravating and miti-
13 gating factors as provided in this act. The appropriate punishment for a
14 felony conviction should depend on the severity of the crime of conviction
15 when compared to all other crimes and the offender's criminal history.
- 16 (e) (1) The sentencing court has discretion to sentence at any place
17 within the sentencing range. The sentencing judge shall select the center
18 of the range in the usual case and reserve the upper and lower limits for
19 aggravating and mitigating factors insufficient to warrant a departure.
- 20 (2) In presumptive imprisonment cases, the sentencing court shall
21 pronounce the complete sentence which shall include the prison sen-
22 tence, the maximum potential reduction to such sentence as a result of
23 good time and the period of postrelease supervision at the sentencing
24 hearing. Failure to pronounce the period of postrelease supervision shall
25 not negate the existence of such period of postrelease supervision.
- 26 (3) In presumptive nonprison cases, the sentencing court shall pro-
27 nounce the prison sentence as well as the duration of the nonprison sanc-
28 tion at the sentencing hearing.
- 29 (f) Each grid block states the presumptive sentencing range for an
30 offender whose crime of conviction and criminal history place such of-
31 fender in that grid block. If an offense is classified in a grid block below
32 the dispositional line, the presumptive disposition shall be nonimprison-
33 ment. If an offense is classified in a grid block above the dispositional
34 line, the presumptive disposition shall be imprisonment. If an offense is
35 classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional
36 nonprison sentence upon making the following findings on the record:
- 37 (1) An appropriate treatment program exists which is likely to be
38 more effective than the presumptive prison term in reducing the risk of
39 offender recidivism; and
- 40 (2) the recommended treatment program is available and the of-
41 fender can be admitted to such program within a reasonable period of
42 time; or
- 43 (3) the nonprison sanction will serve community safety interests by

1 promoting offender reformation.

2 Any decision made by the court regarding the imposition of an optional
3 nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or
4 6-G shall not be considered a departure and shall not be subject to appeal.

5 (g) The sentence for the violation of K.S.A. 21-3411, and amend-
6 ments thereto, aggravated assault against a law enforcement officer or
7 K.S.A. 21-3415, and amendments thereto, aggravated battery against a
8 law enforcement officer and amendments thereto which places the de-
9 fendant's sentence in grid block 6-H or 6-I shall be presumed impris-
10 onment. The court may impose an optional nonprison sentence upon
11 making a finding on the record that the nonprison sanction will serve
12 community safety interests by promoting offender reformation. Any de-
13 cision made by the court regarding the imposition of the optional non-
14 prison sentence, if the offense is classified in grid block 6-H or 6-I, shall
15 not be considered departure and shall not be subject to appeal.

16 (h) When a firearm is used to commit any person felony, the of-
17 fender's sentence shall be presumed imprisonment. The court may im-
18 pose an optional nonprison sentence upon making a finding on the record
19 that the nonprison sanction will serve community safety interests by pro-
20 moting offender reformation. Any decision made by the court regarding
21 the imposition of the optional nonprison sentence shall not be considered
22 a departure and shall not be subject to appeal.

23 (i) The sentence for the violation of the felony provision of K.S.A. 8-
24 262, 8-287, 8-1567 ~~and~~, subsection (b)(3) of K.S.A. 21-3412a, and sub-
25 sections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto,
26 shall be as provided by the specific mandatory sentencing requirements
27 of that section and shall not be subject to the provisions of this section or
28 K.S.A. 21-4707 and amendments thereto. If because of the offender's
29 criminal history classification the offender is subject to presumptive im-
30 prisonment or if the judge departs from a presumptive probation sentence
31 and the offender is subject to imprisonment, the provisions of this section
32 and K.S.A. 21-4707, and amendments thereto, shall apply and the of-
33 fender shall not be subject to the mandatory sentence as provided in
34 K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions
35 of any other section, the term of imprisonment imposed for the violation
36 of the felony provision of K.S.A. 8-262, 8-287, 8-1567, subsection (b)(3)
37 of K.S.A. 21-3412a and subsections (b)(3) and (b)(4) of K.S.A. 21-3710,
38 and amendments thereto shall not be served in a state facility in the
39 custody of the secretary of corrections.

40 (j) (1) The sentence for any persistent sex offender whose current
41 convicted crime carries a presumptive term of imprisonment shall be
42 double the maximum duration of the presumptive imprisonment term.
43 The sentence for any persistent sex offender whose current conviction

1 carries a presumptive nonprison term shall be presumed imprisonment
2 and shall be double the maximum duration of the presumptive impris-
3 onment term.

4 (2) Except as otherwise provided in this subsection, as used in this
5 subsection, “persistent sex offender” means a person who: (A) (i) Has
6 been convicted in this state of a sexually violent crime, as defined in K.S.A.
7 22-3717 and amendments thereto; and (ii) at the time of the conviction
8 under paragraph (A) (i) has at least one conviction for a sexually violent
9 crime, as defined in K.S.A. 22-3717 and amendments thereto in this state
10 or comparable felony under the laws of another state, the federal gov-
11 ernment or a foreign government; or (B) (i) has been convicted of rape,
12 K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the
13 conviction under paragraph (B) (i) has at least one conviction for rape in
14 this state or comparable felony under the laws of another state, the federal
15 government or a foreign government.

16 (3) Except as provided in paragraph (2) (B), the provisions of this
17 subsection shall not apply to any person whose current convicted crime
18 is a severity level 1 or 2 felony.

19 (k) If it is shown at sentencing that the offender committed any felony
20 violation for the benefit of, at the direction of, or in association with any
21 criminal street gang, with the specific intent to promote, further or assist
22 in any criminal conduct by gang members, the offender’s sentence shall
23 be presumed imprisonment. Any decision made by the court regarding
24 the imposition of the optional nonprison sentence shall not be considered
25 a departure and shall not be subject to appeal. As used in this subsection,
26 “criminal street gang” means any organization, association or group of
27 three or more persons, whether formal or informal, having as one of its
28 primary activities the commission of one or more person felonies or felony
29 violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*,
30 and amendments thereto, which has a common name or common iden-
31 tifying sign or symbol, whose members, individually or collectively engage
32 in or have engaged in the commission, attempted commission, conspiracy
33 to commit or solicitation of two or more person felonies or felony viola-
34 tions of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and
35 amendments thereto, or any substantially similar offense from another
36 jurisdiction.

37 (l) The sentence for a violation of subsection (a) of K.S.A. 21-3715
38 and amendments thereto when such person being sentenced has a prior
39 conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-
40 3716 and amendments thereto shall be presumed imprisonment.

41 **[Sec. 4. K.S.A. 40-3104 is hereby amended to read as follows:**
42 **40-3104. (a) Every owner shall provide motor vehicle liability in-**
43 **surance coverage in accordance with the provisions of this act for**

1 every motor vehicle owned by such person, unless such motor ve-
2 hicle: (1) Is included under an approved self-insurance plan as pro-
3 vided in subsection (f); (2) is used as a driver training motor vehi-
4 cle, as defined in K.S.A. 72-5015, and amendments thereto, in an
5 approved driver training course by a school district or an accred-
6 ited nonpublic school under an agreement with a motor vehicle
7 dealer, and such motor vehicle liability insurance coverage is pro-
8 vided by the school district or accredited nonpublic school; (3) is
9 included under a qualified plan of self-insurance approved by an
10 agency of the state in which such motor vehicle is registered and
11 the form prescribed in subsection (b) of K.S.A. 40-3106, and
12 amendments thereto, has been filed; or (4) is expressly exempted
13 from the provisions of this act.

14 [(b) An owner of an uninsured motor vehicle shall not permit
15 the operation thereof upon a highway or upon property open to
16 use by the public, unless such motor vehicle is expressly exempted
17 from the provisions of this act.

18 [(c) No person shall knowingly drive an uninsured motor ve-
19 hicle upon a highway or upon property open to use by the public,
20 unless such motor vehicle is expressly exempted from the provi-
21 sions of this act.

22 [(d) Any person operating a motor vehicle upon a highway or
23 upon property open to use by the public shall display, upon de-
24 mand, evidence of financial security to a law enforcement officer.
25 The law enforcement officer shall issue a citation to any person
26 who fails to display evidence of financial security upon such de-
27 mand. The law enforcement officer shall attach a copy of the in-
28 surance verification form prescribed by the secretary of revenue
29 to the copy of the citation forwarded to the court.

30 [No citation shall be issued to any person for failure to provide
31 proof of financial security when evidence of financial security
32 meeting the standards of subsection (e) is displayed upon demand
33 of a law enforcement officer. Whenever the authenticity of such
34 evidence is questionable, the law enforcement officer may initiate
35 the preparation of the insurance verification form prescribed by
36 the secretary of revenue by recording information from the evi-
37 dence of financial security displayed. The officer shall immediately
38 forward the form to the department of revenue, and the depart-
39 ment shall proceed with verification in the manner prescribed in
40 the following paragraph. Upon return of a form indicating that
41 insurance was not in force on the date indicated on the form, the
42 department shall immediately forward a copy of the form to the
43 law enforcement officer initiating preparation of the form.

1 [(e) Unless the insurance company subsequently submits an in-
2 insurance verification form indicating that insurance was not in
3 force, no person charged with violating subsections (b), (c) or (d)
4 shall be convicted if such person produces in court, within 10 days
5 of the date of arrest or of issuance of the citation, evidence of
6 financial security for the motor vehicle operated, which was valid
7 at the time of arrest or of issuance of the citation. For the purpose
8 of this subsection, evidence of financial security shall be provided
9 by a policy of motor vehicle liability insurance, an identification
10 card or certificate of insurance issued to the policyholder by the
11 insurer which provides the name of the insurer, the policy number
12 and the effective and expiration dates of the policy, or a certificate
13 of self-insurance signed by the commissioner of insurance. Upon
14 the production in court of evidence of financial security, the court
15 shall record the information displayed thereon on the insurance
16 verification form prescribed by the secretary of revenue, imme-
17 diately forward such form to the department of revenue, and stay
18 any further proceedings on the matter pending a request from the
19 prosecuting attorney that the matter be set for trial. Upon receipt
20 of such form the department shall mail the form to the named
21 insurance company for verification that insurance was in force on
22 the date indicated on the form. It shall be the duty of insurance
23 companies to notify the department within 30 calendar days of the
24 receipt of such forms of any insurance that was not in force on the
25 date specified. Upon return of any form to the department indi-
26 cating that insurance was not in force on such date, the department
27 shall immediately forward a copy of such form to the office of the
28 prosecuting attorney or the city clerk of the municipality in which
29 such prosecution is pending when the prosecuting attorney is not
30 ascertainable. Receipt of any completed form indicating that in-
31 surance was not in effect on the date specified shall be prima facie
32 evidence of failure to provide proof of financial security and vio-
33 lation of this section. A request that the matter be set for trial shall
34 be made immediately following the receipt by the prosecuting at-
35 torney of a copy of the form from the department of revenue in-
36 dicating that insurance was not in force. Any charge of violating
37 subsection (b), (c) or (d) shall be dismissed if no request for a trial
38 setting has been made within 60 days of the date evidence of fi-
39 nancial security was produced in court.

40 [(f) Any person in whose name more than 25 motor vehicles
41 are registered in Kansas may qualify as a self-insurer by obtaining
42 a certificate of self-insurance from the commissioner of insurance.
43 The certificate of self-insurance issued by the commissioner shall

1 cover such owned vehicles and those vehicles, registered in Kan-
2 sas, leased to such person if the lease agreement requires that
3 motor vehicle liability insurance on the vehicles be provided by
4 the lessee. Upon application of any such person, the commissioner
5 of insurance may issue a certificate of self-insurance, if the com-
6 missioner is satisfied that such person is possessed and will con-
7 tinue to be possessed of ability to pay any liability imposed by law
8 against such person arising out of the ownership, operation, main-
9 tenance or use of any motor vehicle described in this subsection.
10 A self-insurer shall provide liability coverage subject to the pro-
11 visions of subsection (e) of K.S.A. 40-3107, and amendments
12 thereto, arising out of the ownership, operation, maintenance or
13 use of a self-insured motor vehicle in those instances where the
14 lessee or the rental driver, if not the lessee, does not have a motor
15 vehicle liability insurance policy or insurance coverage pursuant
16 to a motor vehicle liability insurance policy or certificate of insur-
17 ance or such insurance policy for such leased or rented vehicle.
18 Such liability coverage shall be provided to any person operating
19 a self-insured motor vehicle with the expressed or implied consent
20 of the self-insurer.

21 [Upon notice and a hearing in accordance with the provisions of
22 the Kansas administrative procedure act, the commissioner of in-
23 surance may cancel a certificate of self-insurance upon reasonable
24 grounds. Failure to provide liability coverage or personal injury
25 protection benefits required by K.S.A. 40-3107 and 40-3109, and
26 amendments thereto, or pay any liability imposed by law arising
27 out of the ownership, operation, maintenance or use of a motor
28 vehicle registered in such self-insurer's name, or to otherwise com-
29 ply with the requirements of this subsection shall constitute rea-
30 sonable grounds for the cancellation of a certificate of self-insur-
31 ance. Reasonable grounds shall not exist unless such objectionable
32 activity occurs with such frequency as to indicate a general busi-
33 ness practice.

34 [Self-insureds shall investigate claims in a reasonably prompt
35 manner, handle such claims in a reasonable manner based on
36 available information and effectuate prompt, fair and equitable
37 settlement of claims in which liability has become reasonably clear.

38 [As used in this subsection, "liability imposed by law" means the
39 stated limits of liability as provided under subsection (e) of K.S.A.
40 40-3107, and amendments thereto.

41 [Nothing in this subsection shall preclude a self-insurer from
42 pursuing all rights of subrogation against another person or
43 persons.

- 1 [(g) (1) Any person violating any provision of this section shall
2 be guilty of a class B misdemeanor and shall be subject to a fine
3 of not less than \$300 nor more than \$1,000 or confinement in the
4 county jail for a term of not more than six months, or both such
5 fine and confinement.
- 6 [(2) Any person convicted of violating any provision of this sec-
7 tion within three years of any such prior conviction shall be guilty
8 of a class A misdemeanor and shall be subject to a fine of not less
9 than \$800 nor more than \$2,500.
- 10 [(h) In addition to any other penalties provided by this act for
11 failure to have or maintain financial security in effect, the director,
12 upon receipt of a report required by K.S.A. 8-1607 or 8-1611, and
13 amendments thereto, or a denial of such insurance by the insur-
14 ance company listed on the form prescribed by the secretary of
15 revenue pursuant to subsection (d) of this section, shall, upon no-
16 tice and hearing as provided by K.S.A. 40-3118, and amendments
17 thereto:
- 18 [(1) Suspend:
- 19 [(A) The license of each driver in any manner involved in the
20 accident;
- 21 [(B) the license of the owner of each motor vehicle involved in
22 such accident, unless the vehicle was stolen at the time of the ac-
23 cident, proof of which must be established by the owner of the
24 motor vehicle. Theft by a member of the vehicle owner's imme-
25 diate family under the age of 18 years shall not constitute a stolen
26 vehicle for the purposes of this section;
- 27 [(C) if the driver is a nonresident, the privilege of operating a
28 motor vehicle within this state; or
- 29 [(D) if such owner is a nonresident, the privilege of such owner
30 to operate or permit the operation within this state of any motor
31 vehicle owned by such owner; and
- 32 [(2) revoke the registration of all vehicles owned by the owner
33 of each motor vehicle involved in such accident.
- 34 [(i) The suspension or revocation requirements in subsection
35 (h) shall not apply:
- 36 [(1) To the driver or owner if the owner had in effect at the
37 time of the accident an automobile liability policy as required by
38 K.S.A. 40-3107, and amendments thereto, with respect to the ve-
39 hicle involved in the accident;
- 40 [(2) to the driver, if not the owner of the vehicle involved in
41 the accident, if there was in effect at the time of the accident an
42 automobile liability policy with respect to such driver's driving of
43 vehicles not owned by such driver;

1 [(3) to any self-insurer as defined by subsection (u) of K.S.A.
2 40-3103, and amendments thereto;

3 [(4) to the driver or owner of any vehicle involved in the acci-
4 dent which was exempt from the provisions of this act pursuant to
5 K.S.A. 40-3105, and amendments thereto;

6 [(5) to the owner of a vehicle described in subsection (a)(2).

7 [(j) (1) For the purposes of provisions (1) and (2) of subsection
8 (i) of this section, the director may require verification by an
9 owner's or driver's insurance company or agent thereof that there
10 was in effect at the time of the accident an automobile liability
11 policy as required in this act.

12 ~~[Any suspension or revocation effected hereunder shall remain in effect
13 until satisfactory proof of financial security has been filed with the director
14 as required by subsection (d) of K.S.A. 40-3118, and amendments thereto,
15 and such person has been released from liability or is a party to an action
16 to determine liability pursuant to which the court temporarily stays such
17 suspension pending final disposition of such action, has entered into an
18 agreement for the payment of damages, or has been finally adjudicated
19 not to be liable in respect to such accident and evidence of any such fact
20 has been filed with the director and has paid the reinstatement fee herein
21 prescribed. Such reinstatement fee shall be \$100 except that if the reg-
22 istration of a motor vehicle of any owner is revoked within one year fol-
23 lowing a prior revocation of the registration of a motor vehicle of such
24 owner under the provisions of this act such fee shall be \$300.~~

25 [(2) Subject to the provisions of subsection (k), any suspension or
26 revocation effected hereunder shall remain in effect until such person:

27 [(A) Has filed satisfactory proof of financial security with the director
28 as required by subsection (d) of K.S.A. 40-3118 and amendments thereto;

29 [(B) has paid the reinstatement fee herein prescribed; and

30 [(C) (i) has been released from liability;

31 [(ii) is a party to an action to determine liability pursuant to which
32 the court temporarily stays such suspension pending final disposition of
33 such action;

34 [(iii) has entered into an agreement for the payment of damages; or

35 [(iv) has been finally adjudicated not to be liable in respect to such
36 accident and evidence of any such fact has been filed with the director.

37 [(3) The reinstatement fee shall be \$100 except that if the registration
38 of a motor vehicle of any owner is revoked within one year following a
39 prior revocation of the registration of a motor vehicle of such owner under
40 the provisions of this act such fee shall be \$300.

41 [(k) (1) Whenever any person whose license has been suspended or
42 revoked pursuant to this section is involved in an accident and has entered
43 into an agreement with any driver, or such driver's insurer, who has been

1 *damaged or whose vehicle has been damaged to pay for such damage and*
2 *such person defaults on payments under such agreement, the driver or*
3 *the driver's insurer, as appropriate, shall notify the director within 60*
4 *days of the date of default.*

5 [(2) *Upon receipt of the notice of default, the director shall immedi-*
6 *ately suspend such person's license and registration. If such person is a*
7 *nonresident, the director shall immediately suspend such person's non-*
8 *resident's privilege to operate a motor vehicle in this state.*

9 [(3) *Except as provided in paragraph (4), such person's driver's li-*
10 *cence, registration and nonresident's operating privilege shall remain so*
11 *suspended and shall not be renewed, nor shall any such license or regis-*
12 *tration be thereafter issued in the name of such person, including any*
13 *such person not previously licensed, unless and until:*

14 [(A) *the director receives notice payments under the agreement re-*
15 *ferred to in paragraph (1) have been resumed and that payments under*
16 *such agreement are no longer in default;*

17 [(B) *such person has filed satisfactory proof of financial responsibility*
18 *with the director as required by subsection(d) of K.S.A. 40-3118 and*
19 *amendments thereto; and*

20 [(C) *the reinstatement fee required by subsection (j) has been paid.*

21 [(4) *Upon due notice to the director that the conditions of paragraph*
22 *(3) have been fulfilled, such person may obtain from the director an order*
23 *restoring such person's driver's license, registration and nonresident's op-*
24 *erating privilege to operate a motor vehicle in this state conditioned upon*
25 *such person's continued compliance with the agreement referred to in*
26 *paragraph (1).*

27 [(5) *In the event such person fails to make any further payment under*
28 *the agreement referred to in paragraph (1) when such payment is due,*
29 *the director, upon receipt of notice of such default, shall immediately*
30 *suspend the license, registration or nonresident's operating privilege of*
31 *such person until all payments have been made under the agreement re-*
32 *ferred to in paragraph (1). No suspension of such person's license, regis-*
33 *tration or nonresident's privilege to operate a motor vehicle in this state*
34 *shall be reinstated pursuant to paragraph (4).*

35 [~~(l)~~ **(l) The provisions of this section shall not apply to motor**
36 **carriers of property or passengers regulated by the corporation**
37 **commission of the state of Kansas.**

38 [~~(m)~~ **(m) The provisions of subsection (d) shall not apply to ve-**
39 **hicle dealers, as defined in K.S.A. 8-2401, and amendments**
40 **thereto, for vehicles being offered for sale by such dealers.]**

41 **Sec. 4. [5.] K.S.A. 8-262 and[,] 8-287 [and 40-3104] and K.S.A.**
42 **2005 Supp. 21-4704 are hereby repealed.**

43

1 Sec. ~~5~~ **[6.]** This act shall take effect and be in force from and after
2 its publication in the statute book.