

SENATE BILL No. 601

By Committee on Ways and Means

4-27

10 AN ACT reconciling amendments to certain statutes; amending K.S.A.
11 40-955, as amended by section 2 of 2006 Substitute for Senate Bill
12 No. 539 and 60-4104, as amended by section 9 of 2006 House Sub-
13 stitute for Senate Bill No. 196 and K.S.A. 2005 Supp. 8-135, as
14 amended by section 1 of 2006 Senate Bill No. 496, 8-2118, as amended
15 by section 3 of 2006 Senate Bill No. 411, 21-3110, 45-229, as amended
16 by section 1 of 2006 Senate Bill No. 499 and 75-5133 and repealing
17 the existing sections; also repealing K.S.A. 40-955, as amended by sec-
18 tion 1 of 2006 Senate Bill No. 442 and 60-4104, as amended by section
19 11 of 2006 House Bill No. 25 and K.S.A. 2005 Supp. 8-135, as
20 amended by section 2 of 2006 Senate Bill No. 558, 8-2118, as amended
21 by section 5 of 2006 Senate Bill No. 344, 21-3110b and 45-229, as
22 amended by section 1 of 2006 Senate Bill No. 453.

23

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

25 Section 1. On and after January 1, 2007, K.S.A. 2005 Supp. 8-135,
26 as amended by section 1 of 2006 Senate Bill No. 496, is hereby amended
27 to read as follows: 8-135. (a) Upon the transfer of ownership of any vehicle
28 registered under this act, the registration of the vehicle and the right to
29 use any license plate thereon shall expire and thereafter there shall be no
30 transfer of any registration, and the license plate shall be removed by the
31 owner thereof. Except as provided in K.S.A. 8-172, and amendments
32 thereto, and 8-1,147, and amendments thereto, it shall be unlawful for
33 any person, other than the person to whom the license plate was originally
34 issued, to have possession thereof. When the ownership of a registered
35 vehicle is transferred, the original owner of the license plate may register
36 another vehicle under the same number, upon application and payment
37 of a fee of \$1.50, if such other vehicle does not require a higher license
38 fee. If a higher license fee is required, then the transfer may be made
39 upon the payment of the transfer fee of \$1.50 and the difference between
40 the fee originally paid and that due for the new vehicle.

41 (b) Subject to the provisions of subsection (a) of K.S.A. 8-198, and
42 amendments thereto, upon the transfer or sale of any vehicle by any
43 person or dealer, or upon any transfer in accordance with K.S.A. 59-3511,

1 and amendments thereto, the new owner thereof, within 30 days, inclu-
2 sive of weekends and holidays, from date of such transfer shall make
3 application to the division for registration or reregistration of the vehicle,
4 but no person shall operate the vehicle on any highway in this state during
5 the thirty-day period without having applied for and obtained temporary
6 registration from the county treasurer or from a dealer. After the expi-
7 ration of the thirty-day period, it shall be unlawful for the owner or any
8 other person to operate such vehicle upon the highways of this state
9 unless the vehicle has been registered as provided in this act. For failure
10 to make application for registration as provided in this section, a penalty
11 of \$2 shall be added to other fees. When a person has a current motor-
12 cycle or passenger vehicle registration and license plate, including any
13 registration decal affixed thereto, for a vehicle and has sold or otherwise
14 disposed of the vehicle and has acquired another motorcycle or passenger
15 vehicle and intends to transfer the registration and the license plate to
16 the motorcycle or passenger vehicle acquired, but has not yet had the
17 registration transferred in the office of the county treasurer, such person
18 may operate the motorcycle or passenger vehicle acquired for a period
19 of not to exceed 30 days by displaying the license plate on the rear of the
20 vehicle acquired. If the acquired vehicle is a new vehicle such person also
21 must carry the assigned certificate of title or manufacturer's statement of
22 origin when operating the acquired vehicle, except that a dealer may
23 operate such vehicle by displaying such dealer's dealer license plate.

24 (c) Certificate of title: No vehicle required to be registered shall be
25 registered or any license plate or registration decal issued therefor, unless
26 the applicant for registration shall present satisfactory evidence of own-
27 ership and apply for an original certificate of title for such vehicle. The
28 following paragraphs of this subsection shall apply to the issuance of a
29 certificate of title for a nonhighway vehicle, salvage vehicle or rebuilt
30 salvage vehicle, as defined in K.S.A. 8-197, and amendments thereto,
31 except to the extent such paragraphs are made inapplicable by or are
32 inconsistent with K.S.A. 8-198, and amendments thereto, and to any elec-
33 tronic certificate of title, except to the extent such paragraphs are made
34 inapplicable by or are inconsistent with K.S.A. 2005 Supp. 8-135d, and
35 amendments thereto, or with rules and regulations adopted pursuant to
36 K.S.A. 2005 Supp. 8-135d, and amendments thereto.

37 The provisions of paragraphs (1) through (14) shall apply to any certif-
38 icate of title issued prior to January 1, 2003, which indicates that there is
39 a lien or encumbrance on such vehicle.

40 (1) An application for certificate of title shall be made by the owner
41 or the owner's agent upon a form furnished by the division and shall state
42 all liens or encumbrances thereon, and such other information as the
43 division may require. Notwithstanding any other provision of this section,

1 no certificate of title shall be issued for a vehicle having any unreleased
2 lien or encumbrance thereon, unless the transfer of such vehicle has been
3 consented to in writing by the holder of the lien or encumbrance. Such
4 consent shall be in a form approved by the division. In the case of mem-
5 bers of the armed forces of the United States while the United States is
6 engaged at war with any foreign nation and for a period of six months
7 next following the cessation of hostilities, such application may be signed
8 by the owner's spouse, parents, brother or sister. The county treasurer
9 shall use reasonable diligence in ascertaining whether the facts stated in
10 such application are true, and if satisfied that the applicant is the lawful
11 owner of such vehicle, or otherwise entitled to have the same registered
12 in such applicant's name, shall so notify the division, who shall issue an
13 appropriate certificate of title. The certificate of title shall be in a form
14 approved by the division, and shall contain a statement of any liens or
15 encumbrances which the application shows, and such other information
16 as the division determines.

17 (2) The certificate of title shall contain upon the reverse side a form
18 for assignment of title to be executed by the owner. This assignment shall
19 contain a statement of all liens or encumbrances on the vehicle at the
20 time of assignment. The certificate of title shall also contain on the reverse
21 side blank spaces so that an abstract of mileage as to each owner will be
22 available. The seller at the time of each sale shall insert and certify the
23 mileage and the purchase price on the form filed for application or reas-
24 signment of title, and the division shall insert such mileage on the certifi-
25 cate of title when issued to purchaser or assignee. The signature of the
26 purchaser or assignee is required on the form filed for application or
27 reassignment of title, acknowledging the odometer and purchase price
28 certification made by the seller, except that vehicles which are 10 model
29 years or older and trucks with a gross vehicle weight of more than 16,000
30 pounds shall be exempt from the mileage acknowledgment requirement
31 of the purchaser or assignee. Such title shall indicate whether the vehicle
32 for which it is issued has been titled previously as a nonhighway vehicle
33 or salvage vehicle. In addition, the reverse side shall contain two forms
34 for reassignment by a dealer, stating the liens or encumbrances thereon.
35 The first form of reassignment shall be used only when a dealer sells the
36 vehicle to another dealer. The second form of reassignment shall be used
37 by a dealer when selling the vehicle to another dealer or the ultimate
38 owner of the vehicle. The reassignment by a dealer shall be used only
39 where the dealer resells the vehicle, and during the time that the vehicle
40 remains in the dealer's possession for resale, the certificate of title shall
41 be dormant. When the ownership of any vehicle passes by operation of
42 law, or repossession upon default of a lease, security agreement, or ex-
43 ecutory sales contract, the person owning such vehicle, upon furnishing

1 satisfactory proof to the county treasurer of such ownership, may procure
2 a certificate of title to the vehicle. When a vehicle is registered in another
3 state and is repossessed in another state, the owner of such vehicle shall
4 not be entitled to obtain a valid Kansas title or registration, except that
5 when a vehicle is registered in another state, but is financed originally by
6 a financial institution chartered in the state of Kansas or when a financial
7 institution chartered in Kansas purchases a pool of motor vehicle loans
8 from the resolution trust corporation or a federal regulatory agency, and
9 the vehicle is repossessed in another state, such Kansas financial institu-
10 tion shall be entitled to obtain a valid Kansas title or registration. In
11 addition to any other fee required for the issuance of a certificate of title,
12 any applicant obtaining a certificate of title for a repossessed vehicle shall
13 pay a fee of \$3.

14 (3) Dealers shall execute, upon delivery to the purchaser of every new
15 vehicle, a manufacturer's statement of origin stating the liens and encum-
16 brances thereon. Such statement of origin shall be delivered to the pur-
17 chaser at the time of delivery of the vehicle or at a time agreed upon by
18 the parties, not to exceed 30 days, inclusive of weekends and holidays.
19 The agreement of the parties shall be executed on a form approved by
20 the division. In the event delivery of title cannot be made personally, the
21 seller may deliver the manufacturer's statement of origin by restricted
22 mail to the address of purchaser shown on the purchase agreement. The
23 manufacturer's statement of origin may include an attachment containing
24 assignment of such statement of origin on forms approved by the division.
25 Upon the presentation to the division of a manufacturer's statement of
26 origin, by a manufacturer or dealer for a new vehicle, sold in this state, a
27 certificate of title shall be issued if there is also an application for regis-
28 tration, except that no application for registration shall be required for a
29 travel trailer used for living quarters and not operated on the highways.

30 (4) The fee for each original certificate of title shall be \$10 in addition
31 to the fee for registration of such vehicle, trailer or semitrailer. The cer-
32 tificate of title shall be good for the life of the vehicle, trailer or semitrailer
33 while owned or held by the original holder of the certificate of title.

34 (5) Except for a vehicle registered by a federally recognized Indian
35 tribe, as provided in paragraph (16), upon sale and delivery to the pur-
36 chaser of every vehicle subject to a purchase money security interest as
37 provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and
38 amendments thereto, the dealer or secured party may complete a notice
39 of security interest and when so completed, the purchaser shall execute
40 the notice, in a form prescribed by the division, describing the vehicle
41 and showing the name and address of the secured party and of the debtor
42 and other information the division requires. The dealer or secured party,
43 within 30 days of the sale and delivery, may mail or deliver the notice of

1 security interest, together with a fee of \$2.50, to the division. The notice
2 of security interest shall be retained by the division until it receives an
3 application for a certificate of title to the vehicle and a certificate of title
4 is issued. The certificate of title shall indicate any security interest in the
5 vehicle. Upon issuance of the certificate of title, the division shall mail or
6 deliver confirmation of the receipt of the notice of security interest, the
7 date the certificate of title is issued and the security interest indicated, to
8 the secured party at the address shown on the notice of security interest.
9 The proper completion and timely mailing or delivery of a notice of se-
10 curity interest by a dealer or secured party shall perfect a security interest
11 in the vehicle described on the date of such mailing or delivery. The
12 county treasurers shall mail a copy of the title application to the Kansas
13 lienholder. Each county treasurer shall charge the Kansas lienholder a
14 \$1.50 service fee for processing and mailing a copy of the title application
15 to the Kansas lienholder.

16 (6) It shall be unlawful for any person to operate in this state a vehicle
17 required to be registered under this act, or to transfer the title to any
18 such vehicle to any person or dealer, unless a certificate of title has been
19 issued as herein provided. In the event of a sale or transfer of ownership
20 of a vehicle for which a certificate of title has been issued, which certifi-
21 cate of title is in the possession of the transferor at the time of delivery
22 of the vehicle, the holder of such certificate of title shall endorse on the
23 same an assignment thereof, with warranty of title in a form prescribed
24 by the division and printed thereon and the transferor shall deliver the
25 same to the buyer at the time of delivery to the buyer of the vehicle or
26 at a time agreed upon by the parties, not to exceed 30 days, inclusive of
27 weekends and holidays, after the time of delivery. The agreement of the
28 parties shall be executed on a form provided by the division. The require-
29 ments of this paragraph concerning delivery of an assigned title are sat-
30 isfied if the transferor mails to the transferee by restricted mail the as-
31 signed certificate of title within the 30 days, and if the transferor is a
32 dealer, as defined by K.S.A. 8-2401, and amendments thereto, such trans-
33 feror shall be deemed to have possession of the certificate of title if the
34 transferor has made application therefor to the division. The buyer shall
35 then present such assigned certificate of title to the division at the time
36 of making application for registration of such vehicle. A new certificate
37 of title shall be issued to the buyer, upon payment of the fee of \$10. If
38 such vehicle is sold to a resident of another state or country, the dealer
39 or person making the sale shall notify the division of the sale and the
40 division shall make notation thereof in the records of the division. When
41 a person acquires a security agreement on a vehicle subsequent to the
42 issuance of the original title on such vehicle, such person shall require
43 the holder of the certificate of title to surrender the same and sign an

1 application for a mortgage title in form prescribed by the division. Upon
2 such surrender such person shall immediately deliver the certificate of
3 title, application, and a fee of \$10 to the division. Upon receipt thereof,
4 the division shall issue a new certificate of title showing the liens or en-
5 cumbrances so created, but not more than two liens or encumbrances
6 may be shown upon a title. When a prior lienholder's name is removed
7 from the title, there must be satisfactory evidence presented to the di-
8 vision that the lien or encumbrance has been paid. When the indebted-
9 ness to a lienholder, whose name is shown upon a title, is paid in full,
10 such lienholder ~~within 10 days after written demand by restricted mail,~~
11 ~~shall furnish to the holder of the title a release of lien or execute such a~~
12 ~~release in the space provided on the title. For failure to comply with such~~
13 ~~a demand the lienholder shall be liable to the holder of the title for \$100~~
14 ~~and also shall be liable for any loss caused to the holder by such failure.~~
15 ~~When the indebtedness to a lienholder, whose name is shown upon a~~
16 ~~title, is collected in full, such lienholder, within 30 days, shall furnish~~
17 ~~notice to the holder of title that such indebtedness has been paid in full~~
18 ~~and that such title may be presented to the lienholder at any time for~~
19 ~~release of lien shall comply with the provisions of section 1 of 2006 Senate~~
20 ~~Bill No. 558, and amendments thereto.~~

21 (7) It shall be unlawful for any person to buy or sell in this state any
22 vehicle required to be registered, unless, at the time of delivery thereof
23 or at a time agreed upon by the parties, not to exceed 30 days, inclusive
24 of weekends and holidays, after the time of delivery, there shall pass
25 between the parties a certificate of title with an assignment thereof. The
26 sale of a vehicle required to be registered under the laws of this state,
27 without assignment of the certificate of title, is fraudulent and void, unless
28 the parties shall agree that the certificate of title with assignment thereof
29 shall pass between them at a time other than the time of delivery, but
30 within 30 days thereof. The requirements of this paragraph concerning
31 delivery of an assigned title shall be satisfied if (A) the seller mails to the
32 purchaser by restricted mail the assigned certificate of title within 30 days,
33 or (B) if the transferor is a dealer, as defined by K.S.A. 8-2401, and
34 amendments thereto, such seller shall be deemed to have possession of
35 the certificate of title if such seller has made application therefor to the
36 division, or (C) if the transferor is a dealer and has assigned a title pur-
37 suant to paragraph (9) of this subsection (c).

38 (8) In cases of sales under the order of a court of a vehicle required
39 to be registered under this act, the officer conducting such sale shall issue
40 to the purchaser a certificate naming the purchaser and reciting the facts
41 of the sale, which certificate shall be prima facie evidence of the own-
42 ership of such purchaser for the purpose of obtaining a certificate of title
43 to such motor vehicle and for registering the same. Any such purchaser

1 shall be allowed 30 days, inclusive of weekends and holidays, from the
2 date of sale to make application to the division for a certificate of title
3 and for the registering of such motor vehicle.

4 (9) Any dealer who has acquired a vehicle, the title for which was
5 issued under the laws of and in a state other than the state of Kansas,
6 shall not be required to obtain a Kansas certificate of title therefor during
7 the time such vehicle remains in such dealer's possession and at such
8 dealer's place of business for the purpose of sale. The purchaser or trans-
9 feree shall present the assigned title to the division of vehicles when
10 making application for a certificate of title as provided in subsection (c)(1).

11 (10) Motor vehicles may be held and titled in transfer-on-death form.

12 (11) Notwithstanding the provisions of this act with respect to time
13 requirements for delivery of a certificate of title, or manufacturer's state-
14 ment of origin, as applicable, any person who chooses to reaffirm the sale
15 in writing on a form approved by the division which advises them of their
16 rights pursuant to paragraph (7) of subsection (c) and who has received
17 and accepted assignment of the certificate of title or manufacturer's state-
18 ment of origin for the vehicle in issue may not thereafter void or set aside
19 the transaction with respect to the vehicle for the reason that a certificate
20 of title or manufacturer's statement of origin was not timely delivered,
21 and in such instances the sale of a vehicle shall not be deemed to be
22 fraudulent and void for that reason alone.

23 (12) The owner of any vehicle assigning a certificate of title in ac-
24 cordance with the provisions of this section may file with the division a
25 form indicating that such owner has assigned such certificate of title. Such
26 forms shall be furnished by the division and shall contain such information
27 as the division may require. Any owner filing a form as provided in this
28 paragraph shall pay a fee of \$10. The filing of such form shall be prima
29 facie evidence that such certificate of title was assigned and shall create
30 a rebuttable presumption. If the assignee of a certificate of title fails to
31 make application for registration, an owner assigning such title and filing
32 the form in accordance with the provisions of this paragraph shall not be
33 held liable for damages resulting from the operation of such vehicle.

34 (13) Application for a certificate of title on a boat trailer with a gross
35 weight over 2,000 pounds shall be made by the owner or the owner's
36 agent upon a form to be furnished by the division and shall contain such
37 information as the division shall determine necessary. The division may
38 waive any information requested on the form if it is not available. The
39 application together with a bill of sale for the boat trailer shall be accepted
40 as prima facie evidence that the applicant is the owner of the boat trailer,
41 provided that a Kansas title for such trailer has not previously been issued.
42 If the application and bill of sale are used to obtain a certificate of title
43 for a boat trailer under this paragraph, the certificate of title shall not be

1 issued until an inspection in accordance with subsection (a) of K.S.A. 8-
2 116a, and amendments thereto, has been completed.

3 (14) In addition to the two forms for reassignment under paragraph
4 (2) of subsection (c), a dealer may attach one additional reassignment
5 form to a certificate of title. The director of vehicles shall prescribe and
6 furnish such reassignment forms. The reassignment form shall be used
7 by a dealer when selling the vehicle to another dealer or the ultimate
8 owner of the vehicle only when the two reassignment forms under par-
9 agraph (2) of subsection (c) have already been used. The fee for a reas-
10 signment form shall be \$6.50. A dealer may purchase reassignment forms
11 in multiples of five upon making proper application and the payment of
12 required fees.

13 (15) A first stage manufacturer, as defined in K.S.A. 8-2401, and
14 amendments thereto, who manufactures a motor vehicle in this state, and
15 who sells such motor vehicles to dealers located in a foreign country, may
16 execute a manufacturers statement of origin to the division of vehicles
17 for the purpose of obtaining an export certificate of title. The motor ve-
18 hicle issued an export certificate of title shall not be required to be reg-
19 istered in this state. An export certificate of title shall not be used to
20 register such vehicle in the United States.

21 (16) A security interest in a vehicle registered by a federally recog-
22 nized Indian tribe shall be deemed valid under Kansas law if validly per-
23 fected under the applicable tribal law and the lien is noted on the face
24 of the tribal certificate of title.

25 Sec. 2. K.S.A. 2005 Supp. 8-2118, as amended by section 3 of 2006
26 Senate Bill No. 411, is hereby amended to read as follows: 8-2118. (a) A
27 person charged with a traffic infraction shall, except as provided in sub-
28 section (b), appear at the place and time specified in the notice to appear.
29 If the person enters an appearance, waives right to trial, pleads guilty or
30 no contest, the fine shall be no greater than that specified in the uniform
31 fine schedule in subsection (c) and court costs shall be taxed as provided
32 by law.

33 (b) Prior to the time specified in the notice to appear, a person
34 charged with a traffic infraction may enter a written appearance, waive
35 right to trial, plead guilty or no contest and pay the fine for the violation
36 as specified in the uniform fine schedule in subsection (c) and court costs
37 provided by law. Payment may be made by mail or in person and may be
38 by personal check. The traffic citation shall not have been complied with
39 if a check is not honored for any reason, or if the fine and court costs are
40 not paid in full. When a person charged with a traffic infraction makes
41 payment without executing a written waiver of right to trial and plea of
42 guilty or no contest, the payment shall be deemed such an appearance,
43 waiver of right to trial and plea of no contest.

1 (c) The following uniform fine schedule shall apply uniformly
 2 throughout the state but shall not limit the fine which may be imposed
 3 following a court appearance, except an appearance made for the purpose
 4 of pleading and payment as permitted by subsection (a). The description
 5 of offense contained in the following uniform fine schedule is for refer-
 6 ence only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
in zone posted by the state department of	to	
transportation; or speeding in locally posted	8-1560	11-20 mph over the limit,
zone	8-1560a	\$30 plus \$6 per mph over
	or	10 mph over the limit;
	8-1560b	
		21-30 mph over the limit,
		\$90 plus \$9 per mph over
		20 mph over the limit;
		31 and more mph over the
		limit, \$180 plus \$15 per
		mph over 30 mph over the
		limit;
<i>Disobeying school crossing guard</i>	<i>section 1 of</i>	<i>\$60</i>
	<i>2006</i>	
	<i>Senate Bill</i>	
	<i>No. 344</i>	
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when	8-1516	\$60
passed		
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade,	8-1519	\$60
intersection railroad crossing, or obstructed		
view		
Driving on left in no-passing zone	8-1520	\$60

1	Unlawful passing of stopped emergency	8-1520a	\$60
2	vehicle		
3	Driving wrong direction on one-way road	8-1521	\$60
4	Improper driving on laned roadway	8-1522	\$60
5	Following too close	8-1523	\$60
6	Improper crossover on divided highway	8-1524	\$30
7	Failure to yield right-of-way at uncontrolled	8-1526	\$60
8	intersection		
9	Failure to yield to approaching vehicle when	8-1527	\$60
10	turning left		
11	Failure to yield at stop or yield sign	8-1528	\$60
12	Failure to yield from private road or driveway	8-1529	\$60
13	Failure to yield to emergency vehicle	8-1530	\$180
14	Failure to yield to pedestrian or vehicle	8-1531	\$90
15	working on roadway		
16	Failure to comply with restrictions in road	8-1531a	\$30
17	construction zone		
18	Disobeying pedestrian traffic control device	8-1532	\$30
19	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
20	pedestrian suddenly entering roadway;		
21	passing vehicle stopped for pedestrian at		
22	crosswalk		
23	Improper pedestrian crossing	8-1534	\$30
24	Failure to exercise due care in regard to	8-1535	\$30
25	pedestrian		
26	Improper pedestrian movement in crosswalk	8-1536	\$30
27	Improper use of roadway by pedestrian	8-1537	\$30
28	Soliciting ride or business on roadway	8-1538	\$30
29	Driving through safety zone	8-1539	\$30
30	Failure to yield to pedestrian on sidewalk	8-1540	\$30
31	Failure of pedestrian to yield to emergency	8-1541	\$30
32	vehicle		
33	Failure to yield to blind pedestrian	8-1542	\$30
34	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
35	Improper turn or approach	8-1545	\$60
36	Improper "U" turn	8-1546	\$60
37	Unsafe starting of stopped vehicle	8-1547	\$30
38	Unsafe turning or stopping, failure to give	8-1548	\$60
39	proper signal; using turn signal unlawfully		
40	Improper method of giving notice of intention	8-1549	\$30
41	to turn		
42	Improper hand signal	8-1550	\$30
43	Failure to stop or obey railroad crossing signal	8-1551	\$180

1	Failure to stop at railroad crossing stop sign	8-1552	\$120
2	Certain hazardous vehicles failure to stop at	8-1553	\$180
3	railroad crossing		
4	Improper moving of heavy equipment at	8-1554	\$60
5	railroad crossing		
6	Vehicle emerging from alley, private roadway,	8-1555	\$60
7	building or driveway		
8	Improper passing of school bus; improper use	8-1556	\$300
9	of school bus signals		
10	Improper passing of church or day-care bus;	8-1556a	\$180
11	improper use of signals		
12	Impeding normal traffic by slow speed	8-1561	\$30
13	Speeding on motor-driven cycle	8-1562	\$60
14	Speeding in certain vehicles or on posted	8-1563	\$30
15	bridge		
16	Improper stopping, standing or parking on	8-1569	\$30
17	roadway		
18	Parking, standing or stopping in prohibited	8-1571	\$30
19	area		
20	Improper parking	8-1572	\$30
21	Unattended vehicle	8-1573	\$30
22	Improper backing	8-1574	\$30
23	Driving on sidewalk	8-1575	\$30
24	Driving with view or driving mechanism	8-1576	\$30
25	obstructed		
26	Unsafe opening of vehicle door	8-1577	\$30
27	Riding in house trailer	8-1578	\$30
28	Improper driving in defiles, canyons, or on	8-1579	\$30
29	grades		
30	Coasting	8-1580	\$30
31	Following fire apparatus too closely	8-1581	\$60
32	Driving over fire hose	8-1582	\$30
33	Putting glass, etc., on highway	8-1583	\$90
34	Driving into intersection, crosswalk, or	8-1584	\$30
35	crossing without sufficient space on other		
36	side		
37	Improper operation of snowmobile on	8-1585	\$30
38	highway		
39	Parental responsibility of child riding bicycle	8-1586	\$30
40	Not riding on bicycle seat; too many persons	8-1588	\$30
41	on bicycle		
42	Clinging to other vehicle	8-1589	\$30
43	Improper riding of bicycle on roadway	8-1590	\$30

1	Carrying articles on bicycle; one hand on	8-1591	\$30
2	handlebars		
3	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
4	Improper operation of motorcycle; seats;	8-1594	\$30
5	passengers, bundles		
6	Improper operation of motorcycle on laned	8-1595	\$60
7	roadway		
8	Motorcycle clinging to other vehicle	8-1596	\$30
9	Improper motorcycle handlebars or passenger	8-1597	\$60
10	equipment		
11	Motorcycle helmet and eye-protection	8-1598	\$30
12	requirements		
13	Unlawful riding on vehicle	8-1578a	\$60
14	Unlawful operation of all-terrain vehicle	8-15,100	\$60
15	Unlawful operation of low-speed vehicle	8-15,101	\$60
16	Littering	8-15,102	\$100
17	Equipment offenses that are not	8-1701	\$60
18	misdemeanors		
19	Driving without lights when needed	8-1703	\$30
20	Defective headlamps	8-1705	\$30
21	Defective tail lamps	8-1706	\$30
22	Defective reflector	8-1707	\$30
23	Improper stop lamp or turn signal	8-1708	\$30
24	Improper lighting equipment on certain	8-1710	\$30
25	vehicles		
26	Improper lamp color on certain vehicles	8-1711	\$30
27	Improper mounting of reflectors and lamps on	8-1712	\$30
28	certain vehicles		
29	Improper visibility of reflectors and lamps on	8-1713	\$30
30	certain vehicles		
31	No lamp or flag on projecting load	8-1715	\$60
32	Improper lamps on parked vehicle	8-1716	\$30
33	Improper lights, lamps, reflectors and	8-1717	\$30
34	emblems on farm tractors or slow-moving		
35	vehicles		
36	Improper lamps and equipment on	8-1718	\$30
37	implements of husbandry, road machinery		
38	or animal-drawn vehicles		
39	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
40	Improper lamps or lights on emergency	8-1720	\$30
41	vehicle		
42	Improper stop or turn signal	8-1721	\$30
43	Improper vehicular hazard warning lamp	8-1722	\$30

1	Unauthorized additional lighting equipment	8-1723	\$30
2	Improper multiple-beam lights	8-1724	\$30
3	Failure to dim headlights	8-1725	\$60
4	Improper single-beam headlights	8-1726	\$30
5	Improper speed with alternate lighting	8-1727	\$30
6	Improper number of driving lamps	8-1728	\$30
7	Unauthorized lights and signals	8-1729	\$30
8	Improper school bus lighting equipment and	8-1730	\$30
9	warning devices		
10	Unauthorized lights and devices on church or	8-1730a	\$30
11	day-care bus		
12	Improper lights on highway construction or	8-1731	\$30
13	maintenance vehicles		
14	Defective brakes	8-1734	\$30
15	Defective or improper use of horn or warning	8-1738	\$30
16	device		
17	Defective muffler	8-1739	\$30
18	Defective mirror	8-1740	\$30
19	Defective wipers; obstructed windshield or	8-1741	\$30
20	windows		
21	Improper tires	8-1742	\$30
22	Improper flares or warning devices	8-1744	\$30
23	Improper use of vehicular hazard warning	8-1745	\$30
24	lamps and devices		
25	Improper air-conditioning equipment	8-1747	\$30
26	TV screen visible to driver	8-1748	\$30
27	Improper safety belt or shoulder harness	8-1749	\$30
28	Improper wide-based single tires	8-1742b	\$60
29	Improper compression release engine braking	8-1761	\$60
30	system		
31	Defective motorcycle headlamp	8-1801	\$30
32	Defective motorcycle tail lamp	8-1802	\$30
33	Defective motorcycle reflector	8-1803	\$30
34	Defective motorcycle stop lamps and turn	8-1804	\$30
35	signals		
36	Defective multiple-beam lighting	8-1805	\$30
37	Improper road-lighting equipment on motor-	8-1806	\$30
38	driven cycles		
39	Defective motorcycle or motor-driven cycle	8-1807	\$30
40	brakes		
41	Improper performance ability of brakes	8-1808	\$30
42	Operating motorcycle with disapproved	8-1809	\$30
43	braking system		

1	Defective horn, muffler, mirrors or tires	8-1810	\$30
2	Unlawful statehouse parking	75-4510a	\$15
3	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
4	combination		up to 1000 \$25
5			1001 to 2000 3¢ per pound
6			2001 to 5000 5¢ per pound
7			5001 to 7500 7¢ per pound
8			7501 and over ... 10¢ per pound
9	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
10	triple or quad axles		up to 1000 \$25
11			1001 to 2000 3¢ per pound
12			2001 to 5000 5¢ per pound
13			5001 to 7500 7¢ per pound
14			7501 and over ... 10¢ per pound
15	Failure to obtain proper registration, clearance	66-1324	\$272
16	or to have current certification		
17	Insufficient liability insurance for motor	66-1,128	\$122
18	carriers	or	
19		66-1314	
20	Failure to obtain interstate motor fuel tax	79-34,122	\$122
21	authorization		
22	No authority as private or common carrier	66-1,111	\$122
23	Violation of motor carrier safety rules and	66-1,129	\$100
24	regulations, except for violations specified in		
25	subsection (b)(2) of K.S.A. 66-1,130, and		
26	amendments thereto		

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

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

40 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 41 amendments thereto, within two years after a prior conviction of K.S.A.
 42 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
 43 shall be fined 1 ½ times the applicable amount from one, but not both,

1 of the schedules listed in the uniform fine schedule contained in
2 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
3 amendments thereto, within two years, after two prior convictions of
4 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
5 conviction shall be fined two times the applicable amount from one, but
6 not both, of the schedules listed in the uniform fine schedule contained
7 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
8 1908 or 8-1909, and amendments thereto, within two years after three
9 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
10 such person, upon conviction shall be fined 2 ½ times the applicable
11 amount from one, but not both, of the schedules listed in the uniform
12 fine schedule contained in subsection (c).

13 Sec. 3. K.S.A. 2005 Supp. 21-3110 is hereby amended to read as
14 follows: 21-3110. The following definitions shall apply when the words
15 and phrases defined are used in this code, except when a particular
16 context clearly requires a different meaning.

- 17 (1) “Act” includes a failure or omission to take action.
- 18 (2) “Another” means a person or persons as defined in this code other
19 than the person whose act is claimed to be criminal.
- 20 (3) “Conduct” means an act or a series of acts, and the accompanying
21 mental state.
- 22 (4) “Conviction” includes a judgment of guilt entered upon a plea of
23 guilty.
- 24 (5) “Deception” means knowingly and willfully making a false
25 statement or representation, express or implied, pertaining to a present
26 or past existing fact.
- 27 (6) To “deprive permanently” means to:
 - 28 (a) Take from the owner the possession, use or benefit of property,
29 without an intent to restore the same; or
 - 30 (b) Retain property without intent to restore the same or with intent
31 to restore it to the owner only if the owner purchases or leases it back,
32 or pays a reward or other compensation for its return; or
 - 33 (c) Sell, give, pledge or otherwise dispose of any interest in property
34 or subject it to the claim of a person other than the owner.
- 35 (7) “Dwelling” means a building or portion thereof, a tent, a vehicle
36 or other enclosed space which is used or intended for use as a human
37 habitation, home or residence.
- 38 (8) “*Firearm*” means *any weapon designed or having the capacity to*
39 *propel a projectile by force of an explosion or combustion.*
- 40 ~~(9)~~ (9) “Forcible felony” includes any treason, murder, voluntary
41 manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated
42 battery, aggravated sodomy and any other felony which involves the use
43 or threat of physical force or violence against any person.

- 1 ~~(9)~~ 10 “Intent to defraud” means an intention to deceive another
2 person, and to induce such other person, in reliance upon such deception,
3 to assume, create, transfer, alter or terminate a right, obligation or power
4 with reference to property.
- 5 ~~(10)~~ (11) “Law enforcement officer” means:
- 6 (a) Any person who by virtue of such person’s office or public
7 employment is vested by law with a duty to maintain public order or to
8 make arrests for crimes, whether that duty extends to all crimes or is
9 limited to specific crimes;
- 10 (b) any officer of the Kansas department of corrections or, for the
11 purposes of K.S.A. 21-3409, 21-3411 and 21-3415, and amendments
12 thereto, any employee of the Kansas department of corrections; or
- 13 (c) any university police officer or campus police officer, as defined
14 in K.S.A. 22-2401a, and amendments thereto.
- 15 ~~(11)~~ (12) “Obtain” means to bring about a transfer of interest in or
16 possession of property, whether to the offender or to another.
- 17 ~~(12)~~ (13) “Obtains or exerts control” over property includes but is not
18 limited to, the taking, carrying away, or the sale, conveyance, or transfer
19 of title to, interest in, or possession of property.
- 20 ~~(13)~~ (14) “Owner” means a person who has any interest in property.
- 21 ~~(14)~~ (15) “Person” means an individual, public or private corporation,
22 government, partnership, or unincorporated association.
- 23 ~~(15)~~ (16) “Personal property” means goods, chattels, effects,
24 evidences of rights in action and all written instruments by which any
25 pecuniary obligation, or any right or title to property real or personal,
26 shall be created, acknowledged, assigned, transferred, increased,
27 defeated, discharged, or dismissed.
- 28 ~~(16)~~ (17) “Property” means anything of value, tangible or intangible,
29 real or personal.
- 30 ~~(17)~~ (18) “Prosecution” means all legal proceedings by which a
31 person’s liability for a crime is determined.
- 32 ~~(18)~~ (19) “Public employee” is a person employed by or acting for
33 the state or by or for a county, municipality or other subdivision or
34 governmental instrumentality of the state for the purpose of exercising
35 their respective powers and performing their respective duties, and who
36 is not a “public officer.”
- 37 ~~(19)~~ (20) “Public officer” includes the following, whether elected or
38 appointed:
- 39 (a) An executive or administrative officer of the state, or a county,
40 municipality or other subdivision or governmental instrumentality of or
41 within the state.
- 42 (b) A member of the legislature or of a governing board of a county,
43 municipality, or other subdivision of or within the state.

- 1 (c) A judicial officer, which shall include a judge of the district court,
2 juror, master or any other person appointed by a judge or court to hear
3 or determine a cause or controversy.
- 4 (d) A hearing officer or presiding officer, which shall include any
5 person authorized by law or private agreement, to hear or determine a
6 cause or controversy and who is not a judicial officer.
- 7 (e) A law enforcement officer.
- 8 (f) Any other person exercising the functions of a public officer under
9 color of right.
- 10 ~~(20)~~ (21) “Real property” or “real estate” means every estate, interest,
11 and right in lands, tenements and hereditaments.
- 12 ~~(21)~~ (22) “Solicit” or “solicitation” means to command, authorize,
13 urge, incite, request, or advise another to commit a crime.
- 14 ~~(22)~~ (23) “State” or “this state” means the state of Kansas and all land
15 and water in respect to which the state of Kansas has either exclusive or
16 concurrent jurisdiction, and the air space above such land and water.
17 “Other state” means any state or territory of the United States, the
18 District of Columbia and the Commonwealth of Puerto Rico.
- 19 ~~(23)~~ (24) “Stolen property” means property over which control has
20 been obtained by theft.
- 21 ~~(24)~~ (25) “Threat” means a communicated intent to inflict physical
22 or other harm on any person or on property.
- 23 ~~(25)~~ (26) “Written instrument” means any paper, document or other
24 instrument containing written or printed matter or the equivalent thereof,
25 used for purposes of reciting, embodying, conveying or recording
26 information, and any money, token, stamp, seal, badge, trademark, or
27 other evidence or symbol of value, right, privilege or identification, which
28 is capable of being used to the advantage or disadvantage of some person.
- 29 Sec. 4. K.S.A. 40-955, as amended by section 2 of 2006 Substitute
30 for Senate Bill No. 539, is hereby amended to read as follows: 40-955.
- 31 (a) Every insurer shall file with the commissioner, except as to inland
32 marine risks where general custom of the industry is not to use manual
33 rates or rating plans, every manual of classifications, rules and rates, every
34 rating plan, policy form and every modification of any of the foregoing
35 which it proposes to use. Every such filing shall indicate the proposed
36 effective date and the character and extent of the coverage contemplated
37 and shall be accompanied by the information upon which the insurer
38 supports the filings. A filing and any supporting information shall be open
39 to public inspection after it is filed with the commissioner. An insurer
40 may satisfy its obligations to make such filings by authorizing the
41 commissioner to accept on its behalf the filings made by a licensed rating
42 organization or another insurer. Nothing contained in this act shall be
43 construed to require any insurer to become a member or subscriber of

1 any rating organization.

2 (b) Any rate filing for the basic coverage required by K.S.A. 40-3401
3 et seq. and amendments thereto, loss costs filings for workers
4 compensation, and rates for assigned risk plans established by article 21
5 of chapter 40 of the Kansas Statutes Annotated or rules and regulations
6 established by the commissioner shall require approval by the
7 commissioner before its use by the insurer in this state. As soon as
8 reasonably possible after such filing has been made, the commissioner
9 shall in writing approve or disapprove the same, except that any filing
10 shall be deemed approved unless disapproved within 30 days of receipt
11 of the filing.

12 (c) Any other rate filing, except personal lines filings, shall become
13 effective on filing or any prospective date selected by the insurer, subject
14 to the commissioner disapproving the same if the rates are determined
15 to be inadequate, excessive, unfairly discriminatory or otherwise fails to
16 meet the requirements of this act. Personal lines rate filings shall be on
17 file for a waiting period of 30 days before becoming effective, subject to
18 the commissioner disapproving the same if the rates are determined to
19 be inadequate, excessive, unfairly discriminatory or otherwise fail to meet
20 requirements of this act. The term “personal lines” shall mean insurance
21 for noncommercial automobile, homeowners, dwelling fire-and-renters
22 insurance policies, as defined by the commissioner by rules and
23 regulations. A filing complies with this act unless it is disapproved by the
24 commissioner within the waiting period or pursuant to subsection (e).

25 (d) In reviewing any rate filing the commissioner may require the
26 insurer or rating organization to provide, at the insurer’s or rating
27 organization’s expense, all information necessary to evaluate the
28 reasonableness of the filing, to include payment of the cost of an actuary
29 selected by the commissioner to review any rate filing, if the department
30 of insurance does not have a staff actuary in its employ.

31 (e) (1) (A) If a filing is not accompanied by the information required
32 by this act, the commissioner shall promptly inform the company or
33 organization making the filing. The filing shall be deemed to be complete
34 when the required information is received by the commissioner or the
35 company or organization certifies to the commissioner the information
36 requested is not maintained by the company or organization and cannot
37 be obtained.

38 (B) If the commissioner finds a filing does not meet the requirements
39 of this act, the commissioner shall send to the insurer or rating
40 organization that made the filing, written notice of disapproval of the
41 filing, specifying in what respects the filing fails to comply and stating the
42 filing shall not become effective.

43 (C) If at any time after a filing becomes effective, the commissioner

1 finds a filing does not comply with this act, the commissioner shall after
2 a hearing held on not less than 10 days' written notice to every insurer
3 and rating organization that made the filing issue an order specifying in
4 what respects the filing failed to comply with the act, and stating when,
5 within a reasonable period thereafter, the filing shall be no longer
6 effective. Copies of the order shall be sent to such insurer or rating
7 organization. The order shall not affect any contract or policy made or
8 issued prior to the expiration of the period set forth in the order.

9 (2) (A) In the event an insurer or organization has no legally effective
10 rate because of an order disapproving rates, the commissioner shall
11 specify an interim rate at the time the order is issued.

12 (B) The interim rate may be modified by the commissioner on the
13 commissioner's own motion or upon motion of an insurer or organization.
14 The interim rate or any modification thereof shall take effect
15 prospectively in contracts of insurance written or renewed 15 days after
16 the commissioner's decision setting interim rates.

17 (C) When the rates are finally determined, the commissioner shall
18 order any overcharge in the interim rates to be distributed appropriately,
19 except refunds to policyholders the commissioner determines are de
20 minimis may not be required.

21 (3) (A) Any person or organization aggrieved with respect to any
22 filing that is in effect may make written application to the commissioner
23 for a hearing thereon, except that the insurer or rating organization that
24 made the filing may not proceed under this subsection. The application
25 shall specify the grounds to be relied on by the applicant.

26 (B) If the commissioner finds the application is made in good faith,
27 that the applicant would be so aggrieved if the applicant's grounds are
28 established, and that such grounds otherwise justify holding such a
29 hearing, the commissioner shall, within 30 days after receipt of the
30 application, hold a hearing on not less than 10 days' written notice to the
31 applicant and every insurer and rating organization that made such filing.

32 (C) Every rating organization receiving a notice of hearing or copy of
33 an order under this section, shall promptly notify all its members or
34 subscribers affected by the hearing or order. Notice to a rating
35 organization of a hearing or order shall be deemed notice to its members
36 or subscribers.

37 (f) No insurer shall make or issue a contract or policy except in
38 accordance with filings which have been filed or approved for such insurer
39 as provided in this act.

40 (1) *On an application for personal motor vehicle insurance where the*
41 *applicant has applied for collision or comprehensive coverage, the*
42 *applicant shall be allowed to identify a lienholder listed on the certificate*
43 *of title for the motor vehicle described in the application.*

- 1 (2) *On an application for property insurance on real property, the*
2 *applicant shall be allowed to identify a mortgagee listed on a mortgage*
3 *for the real property described in the application.*
- 4 (g) The commissioner may adopt rules and regulations to allow
5 suspension or modification of the requirement of filing and approval of
6 rates as to any kind of insurance, subdivision or combination thereof, or
7 as to classes of risks, the rates for which cannot practicably be filed before
8 they are used.
- 9 (h) Except for workers compensation and employer's liability line, the
10 following categories of commercial lines risks are considered special risks
11 which are exempt from the filing requirements in this section:
- 12 (1) Risks that are written on an excess or umbrella basis;
13 (2) commercial risks, or portions thereof, that are not rated according
14 to manuals, rating plans, or schedules including "a" rates;
15 (3) large risks; and
16 (4) special risks designated by the commissioner, including but not
17 limited to risks insured under highly protected risks rating plans,
18 commercial aviation, credit insurance, boiler and machinery, inland
19 marine, fidelity, surety and guarantee bond insurance risks.
- 20 (i) For the purposes of this subsection, "large risk" means:
- 21 (1) An insured that has total insured property values of \$5,000,000
22 or more;
23 (2) an insured that has total annual gross revenues of \$10,000,000 or
24 more; or
25 (3) an insured that has in the preceding calendar year a total paid
26 premium of \$50,000 or more for property insurance, \$50,000 or more for
27 general liability insurance, or \$100,000 or more for multiple lines policies.
- 28 (j) The exemption for any large risk contained in subsection (h) shall
29 not apply to workers compensation and employer's liability insurance,
30 insurance purchasing groups, and the basic coverage required by K.S.A.
31 40-3401 et seq., and amendments thereto.
- 32 (k) Underwriting files, premium, loss and expense statistics, financial
33 and other records pertaining to special risks written by any insurer shall
34 be maintained by the insurer and shall be subject to examination by the
35 commissioner.
- 36 Sec. 5. K.S.A. 2005 Supp. 45-229, as amended by section 1 of 2006
37 Senate Bill No. 499, is hereby amended to read as follows: 45-229. (a) It
38 is the intent of the legislature that exceptions to disclosure under the
39 open records act shall be created or maintained only if:
- 40 (1) The public record is of a sensitive or personal nature concerning
41 individuals;
42 (2) the public record is necessary for the effective and efficient
43 administration of a governmental program; or

1 (3) the public record affects confidential information. The
2 maintenance or creation of an exception to disclosure must be compelled
3 as measured by these criteria. Further, the legislature finds that the public
4 has a right to have access to public records unless the criteria in this
5 section for restricting such access to a public record are met and the
6 criteria are considered during legislative review in connection with the
7 particular exception to disclosure to be significant enough to override the
8 strong public policy of open government. To strengthen the policy of open
9 government, the legislature shall consider the criteria in this section
10 before enacting an exception to disclosure.

11 (b) Subject to the provisions of subsection (h), all exceptions to
12 disclosure in existence on July 1, 2000, shall expire on July 1, 2005, and
13 any new exception to disclosure or substantial amendment of an existing
14 exception shall expire on July 1 of the fifth year after enactment of the
15 new exception or substantial amendment, unless the legislature acts to
16 continue the exception. A law that enacts a new exception or substantially
17 amends an existing exception shall state that the exception expires at the
18 end of five years and that the exception shall be reviewed by the
19 legislature before the scheduled date.

20 (c) For purposes of this section, an exception is substantially amended
21 if the amendment expands the scope of the exception to include more
22 records or information. An exception is not substantially amended if the
23 amendment narrows the scope of the exception.

24 (d) This section is not intended to repeal an exception that has been
25 amended following legislative review before the scheduled repeal of the
26 exception if the exception is not substantially amended as a result of the
27 review.

28 (e) In the year before the expiration of an exception, the revisor of
29 statutes shall certify to the president of the senate and the speaker of the
30 house of representatives, by July 15, the language and statutory citation
31 of each exception which will expire in the following year which meets the
32 criteria of an exception as defined in this section. Any exception that is
33 not identified and certified to the president of the senate and the speaker
34 of the house of representatives is not subject to legislative review and
35 shall not expire. If the revisor of statutes fails to certify an exception that
36 the revisor subsequently determines should have been certified, the
37 revisor shall include the exception in the following year's certification
38 after that determination.

39 (f) "Exception" means any provision of law which creates an
40 exception to disclosure or limits disclosure under the open records act
41 pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any
42 other provision of law.

43 (g) A provision of law which creates or amends an exception to

1 disclosure under the open records law shall not be subject to review and
2 expiration under this act if such provision:

3 (1) Is required by federal law;

4 (2) applies solely to the legislature or to the state court system.

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

7 (A) What specific records are affected by the exception;

8 (B) whom does the exception uniquely affect, as opposed to the
9 general public;

10 (C) what is the identifiable public purpose or goal of the exception;

11 (D) whether the information contained in the records may be
12 obtained readily by alternative means and how it may be obtained;

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

19 (A) Allows the effective and efficient administration of a
20 governmental program, which administration would be significantly
21 impaired without the exception;

22 (B) protects information of a sensitive personal nature concerning
23 individuals, the release of which information would be defamatory to such
24 individuals or cause unwarranted damage to the good name or reputation
25 of such individuals or would jeopardize the safety of such individuals.
26 Only information that would identify the individuals may be excepted
27 under this paragraph; or

28 (C) protects information of a confidential nature concerning entities,
29 including, but not limited to, a formula, pattern, device, combination of
30 devices, or compilation of information which is used to protect or further
31 a business advantage over those who do not know or use it, the disclosure
32 of which information would injure the affected entity in the marketplace.

33 (3) Records made before the date of the expiration of an exception
34 shall be subject to disclosure as otherwise provided by law. In deciding
35 whether the records shall be made public, the legislature shall consider
36 whether the damage or loss to persons or entities uniquely affected by
37 the exception of the type specified in paragraph (2)(B) or (2)(C) of this
38 subsection (h) would occur if the records were made public.

39 (i) Exceptions contained in the following statutes as certified by the
40 revisor of statutes to the president of the senate and the speaker of the
41 house of representatives pursuant to subsection (e) of this section on June
42 1, 2004, are hereby continued in existence until July 1, 2010, at which
43 time such exceptions shall expire: 1-401, 2-1202, 5-512, 9-1137, 9-1712,

1 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-
 2 4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7503, 17-7505,
 3 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-
 4 4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-
 5 251, 38-1508, 38-1520, 38-1565, 38-1609, 38-1610, 38-1618, 38-1664, 39-
 6 709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20,
 7 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012,
 8 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-
 9 510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221,
 10 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-
 11 406, 49-427, 55-1,102, 56-1a606, 56-1a607, 56a-1201, 56a-1202, 58-4114,
 12 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, ~~60-3335~~, 60-3336, 65-
 13 102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-
 14 1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-
 15 1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467,
 16 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-
 17 3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4608, 65-4922, 65-
 18 4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05,
 19 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a,
 20 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-
 21 8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515,
 22 74-7308, 74-7338, 74-7405a, 74-8104, 74-8307, 74-8705, 74-8804, 74-
 23 9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-
 24 5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-
 25 12b11, 76-3305, 79-1119, 79-1437f, 79-15,118, 79-3234, 79-3395,
 26 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

27 (j) 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) of this section on June
 30 1, 2005, are hereby continued in existence until July 1, 2011, at which
 31 time such exceptions shall expire: 1-501, 9-1303, 12-4516a, 38-1692, 39-
 32 970, 40-4913, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

33 ~~—Sec. 6. K.S.A. 60-4104, as amended by section 9 of 2006 House~~
 34 ~~Substitute for Senate Bill No. 196, is hereby amended to read as follows:~~
 35 ~~60-4104. Conduct and offenses giving rise to forfeiture under this act,~~
 36 ~~whether or not there is a prosecution or conviction related to the offense,~~
 37 ~~are:~~

38 ~~—(a) All offenses which statutorily and specifically authorize forfeiture;~~

39 ~~—(b) violations of the uniform controlled substances act, K.S.A. 65-~~
 40 ~~4101 et seq., and amendments thereto;~~

41 ~~—(c) theft which is classified as a felony violation pursuant to K.S.A.~~
 42 ~~21-3701, and amendments thereto, in which the property taken was~~
 43 ~~livestock;~~

- 1 ~~—(d) unlawful discharge of a firearm, K.S.A. 21-4219, and amendments~~
2 ~~thereto;~~
- 3 ~~—(e) money laundering, K.S.A. 65-4142, and amendments thereto;~~
- 4 ~~—(f) gambling, K.S.A. 21-4303, and amendments thereto, and~~
5 ~~commercial gambling, K.S.A. 21-4304, and amendments thereto;~~
- 6 ~~—(g) counterfeiting, K.S.A. 2005 Supp. 21-3763, and amendments~~
7 ~~thereto;~~
- 8 ~~—(h) violations of section 1 of 2006 House Substitute for Senate Bill~~
9 ~~No. 196, and amendments thereto;~~
- 10 ~~—(i) an act or omission occurring outside this state, which would be a~~
11 ~~violation in the place of occurrence and would be described in this section~~
12 ~~if the act occurred in this state, whether or not it is prosecuted in any~~
13 ~~state;~~
- 14 ~~—(j) an act or omission committed in furtherance of any act or omission~~
15 ~~described in this section including any inchoate or preparatory offense,~~
16 ~~whether or not there is a prosecution or conviction related to the act or~~
17 ~~omission;~~
- 18 ~~—(k) any solicitation or conspiracy to commit any act or omission~~
19 ~~described in this section, whether or not there is a prosecution or~~
20 ~~conviction related to the act or omission;~~
- 21 ~~—(l) furtherance of terrorism or illegal use of weapons of mass~~
22 ~~destruction, section 3 of 2006 Senate Bill No. 25, and amendments thereto.~~
- 23 Sec. 7. **[6.]** K.S.A. 2005 Supp. 75-5133 is hereby amended to read
24 as follows: 75-5133. (a) Except as otherwise more specifically provided by
25 law, all information received by the secretary of revenue, the director of
26 taxation or the director of alcoholic beverage control from returns,
27 reports, license applications or registration documents made or filed
28 under the provisions of any law imposing any sales, use or other excise
29 tax administered by the secretary of revenue, the director of taxation, or
30 the director of alcoholic beverage control, or from any investigation
31 conducted under such provisions, shall be confidential, and it shall be
32 unlawful for any officer or employee of the department of revenue to
33 divulge any such information except in accordance with other provisions
34 of law respecting the enforcement and collection of such tax, in
35 accordance with proper judicial order or as provided in K.S.A. 74-2424,
36 and amendments thereto.
- 37 (b) The secretary of revenue or the secretary's designee may:
- 38 (1) Publish statistics, so classified as to prevent identification of
39 particular reports or returns and the items thereof;
- 40 (2) allow the inspection of returns by the attorney general or the
41 attorney general's designee;
- 42 (3) provide the post auditor access to all such excise tax reports or
43 returns in accordance with and subject to the provisions of subsection (g)

- 1 of K.S.A. 46-1106, and amendments thereto;
- 2 (4) disclose taxpayer information from excise tax returns to persons
3 or entities contracting with the secretary of revenue where the secretary
4 has determined disclosure of such information is essential for completion
5 of the contract and has taken appropriate steps to preserve confidentiality;
- 6 (5) provide information from returns and reports filed under article
7 42 of chapter 79 of the Kansas Statutes Annotated to county appraisers
8 as is necessary to insure proper valuations of property. Information from
9 such returns and reports may also be exchanged with any other state
10 agency administering and collecting conservation or other taxes and fees
11 imposed on or measured by mineral production;
- 12 (6) provide, upon request by a city or county clerk or treasurer or
13 finance officer of any city or county receiving distributions from a local
14 excise tax, monthly reports identifying each retailer doing business in such
15 city or county or making taxable sales sourced to such city or county,
16 setting forth the tax liability and the amount of such tax remitted by each
17 retailer during the preceding month, and identifying each business
18 location maintained by the retailer and such retailer's sales or use tax
19 registration or account number;
- 20 (7) provide information from returns and applications for registration
21 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
22 3601, and amendments thereto, to a city or county treasurer or clerk or
23 finance officer to explain the basis of statistics contained in reports
24 provided by subsection (b)(6);
- 25 (8) disclose the following oil and gas production statistics received by
26 the department of revenue in accordance with K.S.A. 79-4216 et seq. and
27 amendments thereto: Volumes of production by well name, well number,
28 operator's name and identification number assigned by the state
29 corporation commission, lease name, leasehold property description,
30 county of production or zone of production, name of purchaser and
31 purchaser's tax identification number assigned by the department of
32 revenue, name of transporter, field code number or lease code, tax period,
33 exempt production volumes by well name or lease, or any combination
34 of this information;
- 35 (9) release or publish liquor brand registration information provided
36 by suppliers, farm wineries and microbreweries in accordance with the
37 liquor control act. The information to be released is limited to: Item
38 number, universal numeric code, type status, product description, alcohol
39 percentage, selling units, unit size, unit of measurement, supplier
40 number, supplier name, distributor number and distributor name;
- 41 (10) release or publish liquor license information provided by liquor
42 licensees, distributors, suppliers, farm wineries and microbreweries in
43 accordance with the liquor control act. The information to be released is

1 limited to: County name, owner, business name, address, license type,
2 license number, license expiration date and the process agent contact
3 information;

4 (11) release or publish cigarette and tobacco license information
5 obtained from cigarette and tobacco licensees in accordance with the
6 Kansas cigarette and tobacco products act. The information to be released
7 is limited to: County name, owner, business name, address, license type
8 and license number;

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

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

21 (14) provide to the secretary of commerce copies of applications for
22 project exemption certificates sought by any taxpayer under the
23 enterprise zone sales tax exemption pursuant to subsection (cc) of K.S.A.
24 79-3606, and amendments thereto;

25 (15) disclose information received pursuant to the Kansas cigarette
26 and tobacco act and subject to the confidentiality provisions of this act to
27 any criminal justice agency, as defined in subsection (c) of K.S.A. 22-
28 4701, and amendments thereto, or to any law enforcement officer, as
29 defined in ~~subsection (c)(10) of~~ K.S.A. 21-3110, and amendments thereto,
30 on behalf of a criminal justice agency, when requested in writing in
31 conjunction with a pending investigation; and

32 (16) provide to retailers tax exemption information for the sole
33 purpose of verifying the authenticity of tax exemption numbers issued by
34 the department.

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

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

1 a city or county clerk or treasurer or finance officer of a city or county.
2 Sec. ~~8~~ **[7.]** K.S.A. 40-955, as amended by section 2 of 2006
3 Substitute for Senate Bill No. 539, 40-955, as amended by section 1 of
4 2006 Senate Bill No. 442, ~~60-4104~~, as amended by section 9 of 2006
5 ~~House Substitute for Senate Bill No. 196~~ and 60-4104, as amended by
6 section 11 of 2006 House Bill No. 25 and K.S.A. 2005 Supp. 8-2118, as
7 amended by section 3 of 2006 Senate Bill No. 411, 8-2118, as amended
8 by section 5 of 2006 Senate Bill No. 344, 21-3110, 21-3110b, 45-229, as
9 amended by section 1 of 2006 Senate Bill No. 499, 45-229, as amended
10 by section 1 of 2006 Senate Bill No. 453 and 75-5133 are hereby repealed.
11 Sec. ~~9~~ **[8.]** On and after January 1, 2007, K.S.A. 2005 Supp. 8-135,
12 as amended by section 1 of 2006 Senate Bill No. 496 and K.S.A. 2005
13 Supp. 8-135, as amended by section 2 of 2006 Senate Bill No. 558 are
14 hereby repealed.
15 Sec. ~~10~~ **[9.]** This act shall take effect and be in force from and after
16 its publication in the statute book.