

HOUSE BILL No. 2696

By Committee on Taxation

2-12

9 AN ACT regulating traffic; concerning suspension of driving privileges
10 for failure to stop or report certain accidents; amending K.S.A. 8-254
11 and K.S.A. 2009 Supp. 8-1602, 8-1603, 8-1605 and 8-1606 and re-
12 pealing the existing sections.
13

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

15 Section 1. K.S.A. 8-254 is hereby amended to read as follows: 8-254.

16 (a) Subject to the provisions of subsection (b), the division shall revoke a
17 person's driving privileges upon receiving a record of the person's con-
18 viction of any of the following offenses, including municipal violations,
19 when the conviction has become final, or upon receiving a record of a
20 person's adjudication as a juvenile offender for commission of an act
21 which, if committed by a person 18 or more years of age, would constitute
22 any of the following offenses when the adjudication has become final:

23 ~~(1) Aggravated vehicular homicide, as defined by K.S.A. 21-3405a,~~
24 ~~and amendments thereto, if the crime is committed while committing a~~
25 ~~violation of K.S.A. 8-1566 or 8-1568, and amendments thereto, or the~~
26 ~~ordinance of a city or resolution of a county which prohibits any acts~~
27 ~~prohibited by those statutes;~~

28 ~~—(2) Vehicular homicide, as defined by K.S.A. 21-3405, and amend-~~
29 ~~ments thereto;~~

30 ~~(3) vehicular battery, as defined by K.S.A. 21-3405b, and amend-~~
31 ~~ments thereto, if the crime is committed while committing a violation of~~
32 ~~K.S.A. 8-1566 or 8-1568, and amendments thereto, or the ordinance of~~
33 ~~a city or resolution of a county which prohibits the acts prohibited by~~
34 ~~those statutes;~~

35 ~~—(4) failure to stop and render aid as required under the laws of this~~
36 ~~state in the event of a motor vehicle accident resulting in the death or~~
37 ~~personal injury of another;~~

38 ~~—(5) (3) conviction, or forfeiture of bail not vacated, upon a charge of~~
39 ~~reckless driving;~~

40 ~~(6) (4) conviction, or forfeiture of bail not vacated of any felony in~~
41 ~~the commission of which a motor vehicle is used; or~~

42 ~~(7) (5) fleeing or attempting to elude a police officer as provided in~~
43 ~~K.S.A. 8-1568, and amendments thereto, or conviction of violation of an~~

1 ordinance of any city or a law of another state which is in substantial
2 conformity with such statute.

3 (b) In lieu of revoking a person's driving privileges as provided by
4 subsection (a), the court in which the person is convicted or adjudicated
5 may place restrictions on the person's driving privileges as provided by
6 K.S.A. 8-292, and amendments thereto, unless the violation was com-
7 mitted while operating a commercial motor vehicle, as defined in K.S.A.
8 8-2,128, *and amendments thereto*. Driving privileges are to be automat-
9 ically revoked if the violation which leads to the subsequent conviction
10 occurs in a commercial motor vehicle, as defined in K.S.A. 8-2,128, *and*
11 *amendments thereto*.

12 Sec. 2. K.S.A. 2009 Supp. 8-1602 is hereby amended to read as fol-
13 lows: 8-1602. (a) The driver of any vehicle involved in an accident re-
14 sulting in injury to, great bodily harm to or death of any person shall
15 immediately stop such vehicle at the scene of such accident, or as close
16 thereto as possible, but shall then forthwith return to and in every event
17 shall remain at the scene of the accident until the driver has fulfilled the
18 requirements of K.S.A. 8-1604, and amendments thereto. Every such stop
19 shall be made without obstructing traffic more than is necessary.

20 (b) A person who violates this section which results in:

21 (1) Injury to any person shall be guilty of a class A person
22 misdemeanor.

23 (2) Great bodily harm to any person shall be guilty of a severity level
24 10, person felony.

25 (3) The death of any person shall be guilty of a severity level 9, person
26 felony.

27 ~~(c) The director may revoke the license or permit to drive or any~~
28 ~~nonresident operating privilege of any person so convicted.~~
29 (c) (1) *Upon conviction under (b)(1), the division shall suspend the*
30 *driving privileges of such person for 90 days.*

31 (2) *Upon conviction under (b)(2), the division shall suspend the driv-*
32 *ing privileges of such person for 180 days.*

33 (3) *Upon conviction under (b)(3), the division shall suspend the driv-*
34 *ing privileges of such person for one year.*

35 Sec. 3. K.S.A. 2009 Supp. 8-1603 is hereby amended to read as fol-
36 lows: 8-1603. (a) The driver of any vehicle involved in an accident re-
37 sulting only in damage to a vehicle or other property which is driven or
38 attended by any person shall immediately stop such vehicle at the scene
39 of such accident, or as close thereto as possible, but shall forthwith return
40 to and in every event shall remain at the scene of such accident until such
41 person has fulfilled the requirements of K.S.A. 8-1604, and amendments
42 thereto. Every such stop shall be made without obstructing traffic more
43 than is necessary. Any person failing to stop or comply with the require-

1 ments under such circumstances shall be guilty of a misdemeanor and,
2 upon conviction, shall be punished as provided in K.S.A. 8-2116, and
3 amendments thereto.

4 *(b) Upon conviction under subsection (a), the division shall suspend*
5 *the driving privileges of such person for 180 days.*

6 ~~(b)~~ *(c)* The driver under subsection (a), if possible, shall comply with
7 the provisions of K.S.A. 2009 Supp. 8-15,107, and amendments thereto.

8 Sec. 4. K.S.A. 2009 Supp. 8-1605 is hereby amended to read as fol-
9 lows: 8-1605. (a) The driver of any vehicle which collides with or is in-
10 volved in an accident with any vehicle or other property which is unat-
11 tended, resulting in any damage to such other vehicle or property, shall
12 immediately stop and shall then and there either locate and notify the
13 operator or owner of such vehicle or other property of such person's
14 name, address and the registration number of the vehicle such person
15 was driving, or shall attach securely in a conspicuous place in or on such
16 vehicle or other property a written notice giving such person's name,
17 address and the registration number of the vehicle such person was driv-
18 ing, and without unnecessary delay shall notify the nearest office of a duly
19 authorized police authority. Every such stop shall be made without ob-
20 structing traffic more than is necessary. Violation of this section is a
21 misdemeanor.

22 *(b) Upon conviction under subsection (a), the division shall suspend*
23 *the driving privileges of such person for 180 days.*

24 ~~(b)~~ *(c)* The driver under subsection (a), if possible, shall comply with
25 the provisions of K.S.A. 2009 Supp. 8-15,107, and amendments thereto.

26 Sec. 5. K.S.A. 2009 Supp. 8-1606 is hereby amended to read as fol-
27 lows: 8-1606. (a) The driver of a vehicle involved in an accident resulting
28 in injury to, great bodily harm to or death of any person or total damage
29 to all property to an apparent extent of \$1,000 or more shall give notice
30 immediately of such accident, by the quickest means of communication,
31 to the nearest office of a duly authorized police authority.

32 (b) Whenever the driver of a vehicle is physically incapable of giving
33 an immediate notice of an accident as required in subsection (a) and there
34 was an occupant 18 years of age or older in the vehicle at the time of the
35 accident capable of doing so, such occupant shall make or cause to be
36 given the notice not given by the driver.

37 (c) Whenever the driver of a vehicle is involved in an accident re-
38 sulting in property damage in the amount of \$1,000 or more and such
39 driver believes the conduct of other individuals causing or involved in
40 such accident would place such driver in imminent danger of bodily injury
41 by such individuals, such driver shall be required to provide the notice
42 required by subsection (a), as soon as the imminent danger has passed.

43 (d) A person who violates this section which results in:

- 1 (1) Injury to any person or property damages in excess of \$1,000 shall
- 2 be guilty of a class A person misdemeanor.
- 3 (2) Great bodily harm to any person shall be guilty of a severity level
- 4 10, person felony.
- 5 (3) The death of any person shall be guilty of a severity level 9, person
- 6 felony.
- 7 *(e) (1) Upon conviction under subsection (d)(1), the division shall*
- 8 *suspend the driving privileges of such person for 90 days.*
- 9 *(2) Upon conviction under subsection (d)(2), the division shall sus-*
- 10 *pend the driving privileges of such person for 180 days.*
- 11 *(3) Upon conviction under subsection (d)(3), the division shall sus-*
- 12 *pend the driving privileges of such person for one year.*
- 13 Sec. 6. K.S.A. 8-254 and K.S.A. 2009 Supp. 8-1602, 8-1603, 8-1605
- 14 and 8-1606 are hereby repealed.
- 15 Sec. 7. This act shall take effect and be in force from and after its
- 16 publication in the statute book.