

SENATE BILL No. 452

By Committee on Federal and State Affairs

2-3

1 AN ACT concerning law enforcement; requiring traffic laws that apply to
2 local and state law enforcement to apply to federal law enforcement;
3 including federal law enforcement in the definitions used in the crime
4 of interference with law enforcement; including buildings owned by the
5 United States in the crime of interference with the conduct of public
6 business in public buildings; including enforcement of federal laws and
7 executive orders in the exceptions from liability in the tort claims act;
8 amending K.S.A. 8-1404, 8-2010, 21-5904 and 21-5922 and K.S.A.
9 2025 Supp. 8-1102 and 75-6104 and repealing the existing sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2025 Supp. 8-1102 is hereby amended to read as
13 follows: 8-1102. (a) (1) A person shall not use the public highway to
14 abandon vehicles or use the highway to leave vehicles unattended in such
15 a manner as to interfere with public highway operations. When a person
16 leaves a motor vehicle on a public highway or other property open to use
17 by the public, the public agency having jurisdiction of such highway or
18 other property open to use by the public, after 48 hours or when the motor
19 vehicle interferes with public highway operations, may remove and
20 impound the motor vehicle.

21 (2) Any motor vehicle that has been impounded as provided in this
22 section for 30 days or more shall be disposed of in the following manner:

23 (A) If such motor vehicle has displayed thereon a registration plate
24 issued by the division of vehicles and has been registered with the
25 division, the public agency shall request verification from the division of
26 vehicles of the last registered owner and any lienholders, if any. Such
27 verification request shall be submitted to the division of vehicles not more
28 than 30 days after such agency took possession of the vehicle. The public
29 agency shall mail a notice by certified mail to the registered owner thereof,
30 addressed to the address as shown on the certificate of registration, and to
31 the lienholder, if any, of record in the county where the title shows the
32 owner resides, if registered in this state. The notice shall state that if the
33 owner or lienholder does not claim such motor vehicle and pay the
34 removal and storage charges incurred by such public agency on it within
35 15 days from the date of the mailing of the notice, that it will be sold at
36 public auction to the highest bidder for cash. The notice shall be mailed

1 within 15 calendar days after receipt of verification of the last owner and
2 any lienholders, if any, as provided in this subsection.

3 (B) After 15 days from date of mailing notice, the public agency shall
4 publish a notice once a week for two consecutive weeks in a newspaper of
5 general circulation in the county where such motor vehicle was abandoned
6 and left. Such notice shall describe the motor vehicle by name of maker,
7 model, serial number, and owner, if known, and stating that it has been
8 impounded by the public agency and that it will be sold at public auction
9 to the highest bidder for cash if the owner thereof does not claim it within
10 10 days of the date of the second publication of the notice and pay the
11 removal and storage charges, and publication costs incurred by the public
12 agency. If the motor vehicle does not display a registration plate issued by
13 the division of vehicles and is not registered with the division, the public
14 agency after 30 days from the date of impoundment, shall request
15 verification from the division of vehicles of the last registered owner and
16 any lienholders, if any. Such verification request shall be submitted to the
17 division of vehicles no more than 30 days after such agency took
18 possession of the vehicle. The public agency shall mail a notice by
19 certified mail to the registered owner thereof, addressed to the address as
20 shown on the certificate of registration, and to the lienholder, if any, of
21 record in the county in which the title shows the owner resides, if
22 registered in this state. The notice shall state that if the owner or lienholder
23 does not claim such motor vehicle and pay the removal and storage
24 charges incurred by such public agency on it within 15 days from the date
25 of the mailing of the notice, it will be sold at public auction to the highest
26 bidder for cash. The notice shall be mailed within 10 days after receipt of
27 verification of the last owner and any lienholders, if any, as provided in
28 this subsection. After 15 days from the date of mailing notice, the public
29 agency shall publish a notice in a newspaper of general circulation in the
30 county where such motor vehicle was abandoned and left, which notice
31 shall describe the motor vehicle by name of maker, model, color and serial
32 number and shall state that it has been impounded by said public agency
33 and will be sold at public auction to the highest bidder for cash, if the
34 owner thereof does not claim it within 10 days of the date of the second
35 publication of the notice and pay the removal and storage charges incurred
36 by the public agency.

37 (C) When any public agency has complied with the provisions of this
38 section with respect to an abandoned motor vehicle and the owner thereof
39 does not claim it within the time stated in the notice and pay the removal
40 and storage charges and publication costs incurred by the public agency on
41 such motor vehicle, the public agency may sell the motor vehicle at public
42 auction to the highest bidder for cash. A public agency shall provide a
43 certification of compliance to a purchaser upon the sale and transfer of a

1 vehicle authorized by this section.

2 (3) After any sale pursuant to this section, the purchaser may file
3 proof thereof with the division of vehicles, and the division shall issue a
4 certificate of title to the purchaser of such motor vehicle. All moneys
5 derived from the sale of motor vehicles pursuant to this section, after
6 payment of the expenses of the impoundment and sale, shall be paid into
7 the fund of the public agency that is used by it for the construction or
8 maintenance of highways.

9 (b) Any person who abandons and leaves a vehicle on real property,
10 other than public property or property open to use by the public, that is not
11 owned or leased by such person or by the owner or lessee of such vehicle
12 shall be guilty of criminal trespass, as defined in K.S.A. 21-5808, and
13 amendments thereto, and upon request of the owner or occupant of such
14 real property, the public agency in whose jurisdiction such property is
15 situated may remove and dispose of such vehicle in the manner provided
16 in subsection (a), except that the provisions of subsection (a) requiring that
17 a motor vehicle be abandoned for a period of time in excess of 48 hours
18 prior to its removal shall not be applicable to abandoned vehicles that are
19 subject to the provisions of this subsection. Any person removing such
20 vehicle from the real property at the request of such public agency shall
21 have a possessory lien on such vehicle for the costs incurred in removing,
22 towing and storing such vehicle.

23 (c) Whenever any motor vehicle has been left unattended for more
24 than 48 hours or when any unattended motor vehicle interferes with public
25 highway operations *or any law enforcement operations*, any law
26 enforcement officer is hereby authorized to move such vehicle or cause to
27 have the vehicle moved as provided in K.S.A. 8-1103 et seq., and
28 amendments thereto.

29 (d) The notice provisions of this section shall apply to any motor
30 vehicle that has been impounded as provided in K.S.A. 8-1567, and
31 amendments thereto.

32 (e) Any person attempting to recover a motor vehicle impounded as
33 provided in this section or in accordance with a city ordinance or county
34 resolution providing for the impoundment of motor vehicles, shall show
35 proof of valid registration and ownership of the motor vehicle to the public
36 agency before obtaining the motor vehicle. In addition, the public agency
37 may require payment of all reasonable costs associated with the
38 impoundment of the motor vehicle, including transportation and storage
39 fees, prior to release of the motor vehicle.

40 (f) *As used in this section, "law enforcement officer" means the same*
41 *as defined in K.S.A. 21-5111, and amendments thereto, and any federal*
42 *law enforcement officer as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

43 Sec. 2. K.S.A. 8-1404 is hereby amended to read as follows: 8-1404.

1 "Authorized emergency vehicle" means such fire department vehicles or
2 police bicycles or police vehicles ~~which~~ that are publicly owned, *including*
3 *law enforcement vehicles owned by the federal government*; motor vehicles
4 operated by ambulance services permitted by the emergency medical
5 services board under the provisions of K.S.A. 65-6101 et seq., and
6 amendments thereto; wreckers, tow trucks or car carriers, as defined by
7 K.S.A. 66-1329, and amendments thereto, and having a certificate of
8 public service from the state corporation commission; and such other
9 publicly or privately owned vehicles ~~which~~ that are designated as
10 emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto.

11 Sec. 3. K.S.A. 8-2010 is hereby amended to read as follows: 8-2010.

12 (a) Any particular vehicle listed in ~~subsection (b)~~ of K.S.A. 8-2010a(b),
13 and amendments thereto, shall be designated, by the board of county
14 commissioners in which such vehicle is located, as an authorized
15 emergency vehicle upon the filing of an application pursuant to K.S.A. 8-
16 2010a, and amendments thereto and a finding that designation of such
17 vehicle is necessary to the preservation of life or property or to the
18 execution of emergency governmental functions. The designation shall be
19 in writing and the written designation shall be carried in the vehicle at all
20 times, but failure to carry the written designation shall not affect the status
21 of the vehicle as an authorized emergency vehicle.

22 (b) Any vehicle designated as an authorized emergency vehicle prior
23 to the effective date of this act, may continue to operate as an authorized
24 emergency vehicle, as long as:

25 (1) The ownership of such vehicle remains unchanged; and

26 (2) the use of such vehicle for purposes for which such vehicle was
27 designated remains unchanged, except that all future operation of such
28 vehicle as an authorized emergency vehicle shall be in accordance with
29 this section and such other applicable provisions of law.

30 (c) The following vehicles shall not be required to be designated by
31 the board of county commissioners as authorized emergency vehicles:

32 (1) Fire department vehicles or police vehicles ~~which~~ that are
33 publicly owned, *including vehicles owed by the federal government*;

34 (2) motor vehicles operated by ambulance services permitted by the
35 emergency medical services board under the provisions of K.S.A. 65-6101
36 et seq., and amendments thereto; and

37 (3) wreckers, tow trucks or car carriers, as defined by K.S.A. 66-
38 1329, and amendments thereto, and having a certificate of public service
39 from the state corporation commission.

40 (d) Any vehicle designated under the provisions of this section, as an
41 authorized emergency vehicle in the county in which such vehicle is
42 located, shall be a valid designation of such vehicle in any other county
43 and such vehicle shall be authorized to operate as an authorized emergency

1 vehicle without being required to obtain any additional designation in any
2 other county.

3 Sec. 4. K.S.A. 21-5904 is hereby amended to read as follows: 21-
4 5904. (a) Interference with law enforcement is:

5 (1) Falsely reporting to a law enforcement officer, law enforcement
6 agency or state investigative agency:

7 (A) That a particular person has committed a crime, knowing that
8 such information is false and intending that the officer or agency shall act
9 in reliance upon such information;

10 (B) that a law enforcement officer has committed a crime or
11 committed misconduct in the performance of such officer's duties,
12 knowing that such information is false and intending that the officer or
13 agency shall act in reliance upon such information;

14 (C) any information, knowing that such information is false and
15 intending to influence, impede or obstruct such officer's or agency's duty;
16 or

17 (D) any information concerning the death, disappearance or potential
18 death or disappearance of a child under the age of 13, knowing that such
19 information is false and intending that the officer or agency shall act in
20 reliance upon such information;

21 (2) concealing, destroying or materially altering evidence with the
22 intent to prevent or hinder the apprehension or prosecution of any person;

23 (3) knowingly obstructing, resisting or opposing any person
24 authorized by law to serve process in the service or execution or in the
25 attempt to serve or execute any writ, warrant, process or order of a court,
26 or in the discharge of any official duty; or

27 (4) knowingly fleeing from a law enforcement officer, other than
28 fleeing by operation of a motor vehicle, when the law enforcement officer
29 has:

30 (A) Reason to stop the person under K.S.A. 22-2402, and
31 amendments thereto; and

32 (B) given the person visual or audible signal to stop.

33 (b) Interference with law enforcement as defined in:

34 (1) Subsection (a)(1)(A) and (a)(1)(B) is a:

35 (A) Class A nonperson misdemeanor, except as provided in
36 subsection (b)(1)(B); and

37 (B) severity level 8, nonperson felony in the case of a felony;

38 (2) subsection (a)(1)(C) is a:

39 (A) Class A nonperson misdemeanor, except as provided in
40 subsection (b)(2)(B); and

41 (B) severity level 9, nonperson felony in the case of a felony;

42 (3) subsection (a)(1)(D) is a severity level 8, nonperson felony;

43 (4) subsection (a)(2) is a:

1 (A) Class A nonperson misdemeanor, except as provided in
2 subsection (b)(4)(B); and

3 (B) severity level 8, nonperson felony in the case of a felony;

4 (5) subsection (a)(3) is a:

5 (A) Severity level 9, nonperson felony in the case of a felony, or
6 resulting from parole or any authorized disposition for a felony; and

7 (B) class A nonperson misdemeanor in the case of a misdemeanor, or
8 resulting from any authorized disposition for a misdemeanor, or a civil
9 case; and

10 (6) subsection (a)(4) is a:

11 (A) Class A nonperson misdemeanor in the case of a misdemeanor, or
12 resulting from any authorized disposition for a misdemeanor, or a civil
13 case;

14 (B) severity level 7, nonperson felony in the case of a felony, or
15 resulting from parole or any authorized disposition for a felony; and

16 (C) severity level 5, nonperson felony if the offender discharged or
17 used a firearm while fleeing.

18 (c) *As used in this section:*

19 (1) *"Any person authorized by law" includes, but is not limited to, a*
20 *law enforcement officer as defined in paragraph (2); and*

21 (2) *"law enforcement officer" means the same as defined in K.S.A.*
22 *21-5111, and amendments thereto, and any federal law enforcement officer*
23 *as defined in 5 U.S.C. § 8401 or 6 U.S.C. § 271.*

24 Sec. 5. K.S.A. 21-5922 is hereby amended to read as follows: 21-
25 5922. (a) Interference with the conduct of public business in public
26 buildings is:

27 (1) Conduct at or in any public building owned, operated or
28 controlled by the *United States, the state* or any of its political subdivisions
29 so as to knowingly deny to any public official, public employee or any
30 invitee on such premises, the lawful rights of such official, employee or
31 invitee to enter, to use the facilities or to leave any such public building;

32 (2) knowingly impeding any public official or employee in the lawful
33 performance of duties or activities through the use of restraint, abduction,
34 coercion or intimidation or by force and violence or threat thereof;

35 (3) knowingly refusing or failing to leave any such public building
36 upon being requested to do so by the chief administrative officer, or such
37 officer's designee, charged with maintaining order in such public building,
38 if such person is committing, threatens to commit or incites others to
39 commit, any act ~~which~~ *that* did or would if completed, disrupt, impair,
40 interfere with or obstruct the lawful missions, processes, procedures or
41 functions being carried on in such public building;

42 (4) knowingly impeding, disrupting or hindering the normal
43 proceedings of any meeting or session conducted by any judicial or

1 legislative body or official at any *such* public building by any act of
2 intrusion into the chamber or other areas designated for the use of the body
3 or official conducting such meeting or session, or by any act designed to
4 intimidate, coerce or hinder any member of such body or any official
5 engaged in the performance of duties at such meeting or session; or

6 (5) knowingly impeding, disrupting or hindering, by any act of
7 intrusion into the chamber or other areas designed for the use of any
8 executive body or official, the normal proceedings of such body or official.

9 (b) Aggravated interference with the conduct of public business is
10 interference with the conduct of public business in public buildings, as
11 defined in subsection (a), when in possession of any firearm or weapon as
12 described in K.S.A. 21-6301 or 21-6302, and amendments thereto.

13 (c) (1) Interference with the conduct of public business in public
14 buildings is a class A nonperson misdemeanor.

15 (2) Aggravated interference with the conduct of public business is a
16 level 6, person felony.

17 Sec. 6. K.S.A. 2025 Supp. 75-6104 is hereby amended to read as
18 follows: 75-6104. (a) A governmental entity or an employee acting within
19 the scope of the employee's employment shall not be liable for damages
20 resulting from:

21 (1) Legislative functions, including, but not limited to, the adoption
22 or failure to adopt any statute, regulation, ordinance or resolution;

23 (2) judicial function;

24 (3) enforcement of or failure to enforce a law, whether valid or
25 invalid, including, but not limited to;

26 (A) Any statute, rule and regulation, ordinance or resolution; *or*

27 (B) *any federal law or executive order;*

28 (4) adoption or enforcement of, or failure to adopt or enforce, any
29 written personnel policy—~~which~~ *that* protects persons' health or safety
30 unless a duty of care, independent of such policy, is owed to the specific
31 individual injured, except that the finder of fact may consider the failure to
32 comply with any written personnel policy in determining the question of
33 negligence;

34 (5) any claim based upon the exercise or performance or the failure to
35 exercise or perform a discretionary function or duty on the part of a
36 governmental entity or employee, whether or not the discretion is abused
37 and regardless of the level of discretion involved;

38 (6) the assessment or collection of taxes or special assessments;

39 (7) any claim by an employee of a governmental entity arising from
40 the tortious conduct of another employee of the same governmental entity,
41 if such claim is:

42 (A) Compensable pursuant to the Kansas workers compensation act;
43 or

1 (B) not compensable pursuant to the Kansas workers compensation
2 act because the injured employee was a firemen's relief association
3 member who was exempt from such act pursuant to K.S.A. 44-505d, and
4 amendments thereto, at the time the claim arose;

5 (8) the malfunction, destruction or unauthorized removal of any
6 traffic or road sign, signal or warning device unless it is not corrected by
7 the governmental entity responsible within a reasonable time after actual
8 or constructive notice of such malfunction, destruction or removal.
9 Nothing herein shall give rise to liability arising from the act or omission
10 of any governmental entity in placing or removing any of the above signs,
11 signals or warning devices when such placement or removal is the result of
12 a discretionary act of the governmental entity;

13 (9) any claim—~~which~~ *that* is limited or barred by any other law or
14 ~~which~~ is for injuries or property damage against an officer, employee or
15 agent where the individual is immune from suit or damages;

16 (10) any claim based upon emergency management activities, except
17 that governmental entities shall be liable for claims to the extent provided
18 in article 9 of chapter 48 of the Kansas Statutes Annotated, and
19 amendments thereto;

20 (11) the failure to make an inspection, or making an inadequate or
21 negligent inspection, of any property other than the property of the
22 governmental entity, to determine whether the property complies with or
23 violates any law or rule and regulation or contains a hazard to public
24 health or safety;

25 (12) snow or ice conditions or other temporary or natural conditions
26 on any public way or other public place due to weather conditions, unless
27 the condition is affirmatively caused by the negligent act of the
28 governmental entity;

29 (13) the plan or design for the construction of or an improvement to
30 public property, either in its original construction or any improvement
31 thereto, if the plan or design is approved in advance of the construction or
32 improvement by the governing body of the governmental entity or some
33 other body or employee exercising discretionary authority to give such
34 approval and if the plan or design was prepared in conformity with the
35 generally recognized and prevailing standards in existence at the time such
36 plan or design was prepared;

37 (14) failure to provide, or the method of providing, police or fire
38 protection;

39 (15) any claim for injuries resulting from the use of any public
40 property intended or permitted to be used as a park, playground or open
41 area for recreational purposes, unless:

42 (A) The governmental entity or an employee thereof is guilty of gross
43 and wanton negligence proximately causing such injury; or

1 (B) an employee of the governmental entity commits childhood
2 sexual abuse as defined in K.S.A. 60-523, and amendments thereto;

3 (16) the natural condition of any unimproved public property of the
4 governmental entity;

5 (17) any claim for injuries resulting from the use or maintenance of a
6 public cemetery owned and operated by a municipality or an abandoned
7 cemetery, title to which has vested in a governmental entity pursuant to
8 K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the
9 governmental entity or an employee thereof is guilty of gross and wanton
10 negligence proximately causing the injury;

11 (18) the existence, in any condition, of a minimum maintenance road,
12 after being properly so declared and signed as provided in K.S.A. 68-
13 5,102, and amendments thereto;

14 (19) any claim for damages arising from the operation of vending
15 machines authorized pursuant to K.S.A. 68-432 or 75-3343a, and
16 amendments thereto;

17 (20) providing, distributing or selling information from geographic
18 information systems—~~which~~ *that* includes an entire formula, pattern,
19 compilation, program, device, method, technique, process, digital database
20 or system—~~which~~ *that* electronically records, stores, reproduces and
21 manipulates by computer geographic and factual information—~~which~~ *that*
22 has been developed internally or provided from other sources and
23 compiled for use by a public agency, either alone or in cooperation with
24 other public or private entities;

25 (21) any claim arising from providing a juvenile justice program to
26 juvenile offenders, if such juvenile justice program has contracted with the
27 commissioner of juvenile justice or with another nonprofit program that
28 has contracted with the commissioner of juvenile justice. The provisions of
29 this section do not apply to community service work within the scope of
30 K.S.A. 60-3614, and amendments thereto, or to claims arising from
31 childhood sexual abuse as defined in K.S.A. 60-523, and amendments
32 thereto;

33 (22) performance of, or failure to perform, any activity pursuant to
34 K.S.A. 74-8922, and amendments thereto, including, but not limited to,
35 issuance and enforcement of a consent decree agreement, oversight of
36 contaminant remediation and taking title to any or all of the federal
37 enclave described in such statute;

38 (23) any claim arising from the making of a donation of used or
39 excess fire control, fire rescue, or emergency medical services equipment
40 to a fire department, fire district, volunteer fire department, medical
41 emergency response team or the Kansas forest service if at the time of
42 making the donation the donor believes that the equipment is serviceable
43 or may be made serviceable. This subsection also applies to equipment that

1 is acquired through the federal excess personal property program
2 established by the federal property and administrative services act of 1949,
3 40 U.S.C. § 483. This subsection shall apply to any breathing apparatus or
4 any mechanical or electrical device—~~which~~ *that* functions to monitor,
5 evaluate, or restore basic life functions, only if it is recertified to the
6 manufacturer's specifications by a technician certified by the
7 manufacturer; or

8 (24) any claim arising from the acceptance of a donation of fire
9 control, fire rescue or emergency medical services equipment, if at the
10 time of the donation the donee reasonably believes that the equipment is
11 serviceable or may be made serviceable and if after placing the donated
12 equipment into service, the donee maintains the donated equipment in a
13 safe and serviceable manner.

14 (b) The enumeration of exceptions to liability in this section shall not
15 be construed to be exclusive nor as legislative intent to waive immunity
16 from liability in the performance or failure to perform any other act or
17 function of a discretionary nature.

18 (c) The exceptions to liability in subsections (a)(1) through (a)(4)
19 shall not be construed to preclude, prohibit or otherwise limit a claim for
20 damages arising from childhood sexual abuse as defined in K.S.A. 60-523,
21 and amendments thereto. Failure of a governmental entity to adopt or
22 enforce a policy, regulation or law related to childhood sexual abuse and
23 failure to exercise reasonable discretion in the supervision of a
24 governmental employee who commits childhood sexual abuse may be
25 considered by the trier of fact in determining the question of a
26 governmental entity's negligence.

27 Sec. 7. K.S.A. 8-1404, 8-2010, 21-5904 and 21-5922 and K.S.A.
28 2025 Supp. 8-1102 and 75-6104 are hereby repealed.

29 Sec. 8. This act shall take effect and be in force from and after its
30 publication in the statute book.