

**HOUSE BILL No. 2337**

By Committee on Transportation

2-10

1 AN ACT concerning traffic regulations; relating to vulnerable road users;  
2 creating a misdemeanor for causing great bodily harm to a vulnerable  
3 road user; providing additional penalties as determined by a court;  
4 amending K.S.A. 2020 Supp. 8-255 and repealing the existing section.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) No person shall operate a vehicle in such a way  
8 as to cause great bodily harm or disfigurement to a vulnerable road user.

9 (b) Violation of subsection (a) is a class A person misdemeanor.

10 (c) In addition to the penalties provided in subsection (b), a court may  
11 order any of the following penalties for a driver who violates subsection  
12 (a):

13 (1) Require the driver attend a driver improvement clinic approved by  
14 the department of revenue pursuant to K.S.A. 8-255, and amendments  
15 thereto;

16 (2) order the driver to complete community service for a number of  
17 hours to be determined by the court; and

18 (3) order the division of vehicles to suspend the driving privileges of  
19 such driver pursuant to K.S.A. 8-255, and amendments thereto.

20 (d) As used in this section, "vulnerable road user" means:

21 (1) A pedestrian;

22 (2) a person engaged in construction work or servicing utility  
23 facilities along a highway;

24 (3) a person providing emergency services within a right-of-way;

25 (4) a person riding or leading an animal; or

26 (5) a person who is lawfully using any of the following on a public  
27 right-of-way, crosswalk or shoulder of a highway:

28 (A) A bicycle, an electric-assisted bicycle, tricycle or other pedal-  
29 powered vehicle;

30 (B) a farm tractor or similar vehicle designed primarily for  
31 agricultural use;

32 (C) a skateboard;

33 (D) roller skates;

34 (E) a scooter or electric-assisted scooter;

35 (F) a moped;

36 (G) a motorcycle;

- 1 (H) a recreational off-highway vehicle;
- 2 (I) an animal-drawn vehicle;
- 3 (J) a sled;
- 4 (K) an electric personal assistive mobility device;
- 5 (L) a wheelchair;
- 6 (M) a baby stroller; or
- 7 (N) a non-motorized pull wagon.

8 (e) This section shall be a part of and supplement to the uniform act  
 9 regulating traffic on highways.

10 Sec. 2. K.S.A. 2020 Supp. 8-255 is hereby amended to read as  
 11 follows: 8-255. (a) The division is authorized to restrict, suspend or revoke  
 12 a person's driving privileges upon a showing by its records or other  
 13 sufficient evidence the person:

14 (1) Has been convicted with such frequency of serious offenses  
 15 against traffic regulations governing the movement of vehicles as to  
 16 indicate a disrespect for traffic laws and a disregard for the safety of other  
 17 persons on the highways;

18 (2) has been convicted of three or more moving traffic violations  
 19 committed on separate occasions within a 12-month period;

20 (3) is incompetent to drive a motor vehicle;

21 (4) has been convicted of a moving traffic violation, committed at a  
 22 time when the person's driving privileges were restricted, suspended or  
 23 revoked; or

24 (5) is a member of the armed forces of the United States stationed at a  
 25 military installation located in the state of Kansas, and the authorities of  
 26 the military establishment certify that such person's on-base driving  
 27 privileges have been suspended, by action of the proper military  
 28 authorities, for violating the rules and regulations of the military  
 29 installation governing the movement of vehicular traffic or for any other  
 30 reason relating to the person's inability to exercise ordinary and reasonable  
 31 control in the operation of a motor vehicle.

32 (b) (1) The division shall:

33 (A) Suspend a person's driving privileges:

34 (i) When required by K.S.A. 8-262, 8-1014 ~~or~~, 41-727, *or section 1,*  
 35 and amendments thereto;

36 (ii) upon a person's second conviction of theft, as defined in  
 37 ~~subsection (a)(5) of K.S.A. 2020 Supp. 21-5801(a)(5), and amendments~~  
 38 ~~thereto, for six months; and~~

39 (iii) upon a person's third or subsequent conviction of theft, as  
 40 defined in ~~subsection (a)(5) of K.S.A. 2020 Supp. 21-5801(a)(5), and~~  
 41 ~~amendments thereto, for one year;~~

42 (B) disqualify a person's privilege to drive commercial motor vehicles  
 43 when required by K.S.A. 8-2,142, and amendments thereto; and

1 (C) restrict a person's driving privileges when required by K.S.A.  
2 2020 Supp. 39-7,155, and amendments thereto.

3 (2) As used in this subsection, "conviction" means a final conviction  
4 without regard to whether the sentence was suspended or probation  
5 granted after such conviction. Forfeiture of bail, bond or collateral  
6 deposited to secure a defendant's appearance in court, which forfeiture has  
7 not been vacated, shall be equivalent to a conviction. "Conviction"  
8 includes being convicted of a violation of K.S.A. 21-3765, prior to its  
9 repeal, or ~~subsection (a)(5) of K.S.A. 2020 Supp. 21-5801(a)(5)~~, and  
10 amendments thereto.

11 (c) When the action by the division restricting, suspending, revoking  
12 or disqualifying a person's driving privileges is based upon a report of a  
13 conviction or convictions from a convicting court, the person may not  
14 request a hearing but, within 30 days after notice of restriction, suspension,  
15 revocation or disqualification is mailed, may submit a written request for  
16 administrative review and provide evidence to the division to show the  
17 person whose driving privileges have been restricted, suspended, revoked  
18 or disqualified by the division was not convicted of the offense upon  
19 which the restriction, suspension, revocation or disqualification is based.  
20 Within 30 days of its receipt of the request for administrative review, the  
21 division shall notify the person whether the restriction, suspension,  
22 revocation or disqualification has been affirmed or set aside. The request  
23 for administrative review shall not stay any action taken by the division.

24 (d) Upon restricting, suspending, revoking or disqualifying the  
25 driving privileges of any person as authorized by this act, the division shall  
26 immediately notify the person in writing. Except as provided by K.S.A. 8-  
27 1002 and 8-2,145, and amendments thereto, and subsections (c) and (g), if  
28 the person makes a written request for hearing within 30 days after such  
29 notice of restriction, suspension or revocation is mailed, the division shall  
30 afford the person an opportunity for a hearing as early as practical not  
31 sooner than five days nor more than 30 days after such request is mailed. If  
32 the division has not revoked or suspended the person's driving privileges  
33 or vehicle registration prior to the hearing, the hearing may be held within  
34 not to exceed 45 days. Except as provided by K.S.A. 8-1002 and 8-2,145,  
35 and amendments thereto, the hearing shall be held in the person's county of  
36 residence or a county adjacent thereto, unless the division and the person  
37 agree that the hearing may be held in some other county. Upon the hearing,  
38 the director or the director's duly authorized agent may administer oaths  
39 and may issue subpoenas for the attendance of witnesses and the  
40 production of relevant books and papers and may require an examination  
41 or reexamination of the person. When the action proposed or taken by the  
42 division is authorized but not required, the division, upon the hearing, shall  
43 either rescind or affirm its order of restriction, suspension or revocation or,

1 good cause appearing therefor, extend the restriction or suspension of the  
2 person's driving privileges, modify the terms of the restriction or  
3 suspension or revoke the person's driving privileges. When the action  
4 proposed or taken by the division is required, the division, upon the  
5 hearing, shall either affirm its order of restriction, suspension, revocation  
6 or disqualification, or, good cause appearing therefor, dismiss the  
7 administrative action. If the person fails to request a hearing within the  
8 time prescribed or if, after a hearing, the order of restriction, suspension,  
9 revocation or disqualification is upheld, the person shall surrender to the  
10 division, upon proper demand, any driver's license in the person's  
11 possession.

12 (e) In case of failure on the part of any person to comply with any  
13 subpoena issued on behalf of the division or the refusal of any witness to  
14 testify to any matters regarding which the witness may be lawfully  
15 interrogated, the district court of any county, on application of the division,  
16 may compel obedience by proceedings for contempt, as in the case of  
17 disobedience of the requirements of a subpoena issued from the court or a  
18 refusal to testify in the court. Each witness who appears before the director  
19 or the director's duly authorized agent by order or subpoena, other than an  
20 officer or employee of the state or of a political subdivision of the state,  
21 shall receive for the witness' attendance the fees and mileage provided for  
22 witnesses in civil cases in courts of record, which shall be audited and paid  
23 upon the presentation of proper vouchers sworn to by the witness.

24 (f) The division, in the interest of traffic and safety, may establish or  
25 contract with a private individual, corporation, partnership or association  
26 for the services of driver improvement clinics throughout the state and,  
27 upon reviewing the driving record of a person whose driving privileges are  
28 subject to suspension under subsection (a)(2), may permit the person to  
29 retain such person's driving privileges by attending a driver improvement  
30 clinic. Any person other than a person issued a commercial driver's license  
31 under K.S.A. 8-2,125 et seq., and amendments thereto, desiring to attend a  
32 driver improvement clinic shall make application to the division and such  
33 application shall be accompanied by the required fee. The secretary of  
34 revenue shall adopt rules and regulations prescribing a driver's  
35 improvement clinic fee, which shall not exceed \$500 and such rules and  
36 regulations deemed necessary for carrying out the provisions of this  
37 section, including the development of standards and criteria to be utilized  
38 by such driver improvement clinics. Amounts received under this  
39 subsection shall be remitted to the state treasurer in accordance with the  
40 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
41 each such remittance, the state treasurer shall deposit the same in the state  
42 treasury as prescribed by ~~subsection (f) of~~ K.S.A. 8-267(f), and  
43 amendments thereto.

1 (g) When the action by the division restricting a person's driving  
2 privileges is based upon certification by the secretary for children and  
3 families pursuant to K.S.A. 2020 Supp. 39-7,155, and amendments  
4 thereto, the person may not request a hearing but, within 30 days after  
5 notice of restriction is mailed, may submit a written request for  
6 administrative review and provide evidence to the division to show the  
7 person whose driving privileges have been restricted by the division is not  
8 the person certified by the secretary for children and families, did not  
9 receive timely notice of the proposed restriction from the secretary for  
10 children and families or has been decertified by the secretary for children  
11 and families. Within 30 days of its receipt of the request for administrative  
12 review, the division shall notify the person whether the restriction has been  
13 affirmed or set aside. The request for administrative review shall not stay  
14 any action taken by the division.

15 (h) Any person whose driving privileges have been suspended under  
16 subsection (b)(1)(A)(ii) or (b)(1)(A)(iii), shall pay a reinstatement fee in  
17 the amount of \$100 to the division. The division shall remit all revenues  
18 received from such fees, at least monthly, to the state treasurer in  
19 accordance with the provisions of K.S.A. 75-4215, and amendments  
20 thereto, for deposit in the state treasury and credit to the state highway  
21 fund.

22 Sec. 3. K.S.A. 2020 Supp. 8-255 is hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its  
24 publication in the statute book.